THE DEPUTY CHAIRMAN: After the discussion or, may be, the day after tomorrow. It depends on how the business of the House is moving. If there is time, we will take them up today; otherwise the day after tomorrow.

STATEMENT BY MINISTER

Concluding Ministerial Meeting of Uruguay Round

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERIEE) : Madam, India has authenticated the Final Act of the Uruguay Round, representing the outcome of the Seven year long multilateral trade negotiations, on 15 April, 1994. Hundred and ten countries also authenticated the Final Act. Additionally ninety-four countries also signed the Agreement establishing the World Trade Organisation.

Thrre was endorsement of the results of the Uruguay Round as a whole from all countries, developing and developed. The meeting was, however, divided over what the future wo~k programme of the WTO should focus on. While the US and some European courtries attached importance to the consideration of the link between trade and international labour standards, India alongwith some other countries attached greater importance to issues like restrictive business practices and immigration policies. While none of these issues became the subject of a Multilateral decision or declaration, the Preparatory Committee of the WTO will be competent to discuss which issues should be included in the future agenda of the WTO. Any decision in th's regard can only be taken by consensus. The concluding remarks by the Chairman of the Ministerial Meeting includes, inter alia, the following statement :

In the statemen's which they made in the courss of this meeting, Ministers representing a number of participating delegations stressed the importance they attach to their requests for an examination of the relationship between the trading system and internationally recognised labour standards, the relationship between immigration policies and international trade, trade and competition 15—6 RSS/ND/95.

policy, including rules on export financing and restrictive business practices, trade and investment, regionalism, the interaction between trade policies and policies relating to financial and monetary matters, including debt and commodity markets, international trade and company law, the establishment of a mechanism for compensation for the erosion of preferences, the link between trade, development, political stability and the alleviation of poverty, and unilateral or extraterritorial trade measures.

A number of developing countries decided to co-operate in formulating their response to any attempts to introduce linkages between social policy issues and trade policy.

THE LEADER OF THE OPPOSITION (SHRI SIKANDER BAKHT): Madam, under Rule 167, I beg to move the following motion that this House takes note of the statement made by the Minis-i r on the GATT Treaty and records its disapproval of Government's action regarding the signing of the Treaty. . . . *(Interruptions)*

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu) : I object to it. Madam, I am on a point of order. . . . *{Interruptions).*

SHRI SIKANDER BAKHT: What is this? *(Interruptions).* This statement is full of. ... *(Interruptions).*

SHRIMATI JAYANTHI NATARAJAN : Madam, I am on a point of order. *(Interruptions).*

THE DEPUTY CHAIRMAN : Mr. Sikander Bakht, there is a point of order. Let me listen to it.

SHRIMATI JAYANTHI NATARAJAN : Madam, the motion which the Leader of the Opposition is seeking to move cannot be moved in this House. The Minister has made a statement. I call your attention to Rule 167 under which he wants to move this motion. Rule 167 says :—

"Save insofar as is otherwise provided by the Constitution or by these rules, no discussion of a matter of general public interest shall take place except oh a motion made with the consent of the Chairman."

I have got three points. I ddn't knew if you have given permmission for this motion to be moved. He cannot move it without your permission. It is not a matter of right.

Secondly, you see Rule 168 which says:—

"Notice of a motion shall be given in writing addressed to the Secretary-General."

I think they must have done it. But Rule 169 says:—

"In order that a motion may be admis sible shall satisfy the following condi tions ..... "

Unless they satisfy these conditions, it is not admissible in this House.

I draw your attention to conditions (vi) and (vii) of Rule 169. These conditions are:

"(vi) it shall not revive discussion of a matter which has been discussed in the same session;

(vii) it shall not anticipate diseussion of a matter which is likely to be discussed in the same session;"

Madam, the issue of GATT has been discussed *ad nauseam* in the same session just before the House was adjourned for a few days. It cannot be raised again in this session. This motion is not admissible. So, it cannot be moved.

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh) : Madam, I have a point of order. ... *(Interruptions).*

THE DEPUTY CHAIRMAN: Let us not argue. Let her speak. If you have any point. ... *(Interruptions).* Shrimati Jayanthi, have you finished?

SHRIMATI JAYANTHI NATARAJAN: Therefore, I say that the Chairman cannot give permission to Shri Sikander Bakht for any other motion to be moved in this House.

SHRI SIKANDER BAKHT: Madam, she has quoted condition (vi) of Rule 169 which says:—

it shall not revive discussion of a matter which has been discussed in the same session;"

But a new situation has arisen after the GATT Treaty. The GATT Treaty was authenticated on the 15th April. Therefore, it is entirely a new situation. Madam, it is a new situation which is being discussed. . .. *(Interruptions).*

THE DEPUTY CHAIRMAN: I will listen to every body. . . . *(Interruptions).* I will allow you. I will permit you. . . *(Interruptions).* Let us not argue. This House runs on certain rules and regulations and conventions. Let us abide by them. The Minister has come. He has made a statement before the House. Let us get it clarified.

SHRI H. HANUMANTHAPPA (Karnataka) : Madam, actually the statement of the Minister comes under Rule 251. It cannot be linked with Rules 167 and 169. Both are independent. It cannot be linked with any other rule. The Minister has made his statement. According to the rules we should seek clarifications. According to the convention and practice of this House, he cannot link his motion with the Minister's statement. If there is any resolution, it should be considered independently. Here the Minister has already made his statement. Now, we have to seek clarifications. We have to clear first this statement and after that any other subject can be taken up. One subject cannot be linked with another subject. Both are governed by different rules.

SHRI SANGH PRIYA GAUTAM: Madam, I am on a point of order.

SHRIMATI SUSHMA SWARAJ (Haryana) : Madam, I have a point of order.

THE DEPUTY CHAIRMAN: Who wants to speak first?

श्रीमती सुषमा स्वराज : मैडम, श्रीमती जयन्ती नटराजन ने दो आपत्तियां उठाई । पहली आपत्ति यह है कि . . . . (व्यवधान) . . . .

श्री हेच० हनुमनतप्पा : मेरी बात तो बोलिए ।

श्रीमती सुषमा स्वराज : आपकी बाद में बोलूंगी ।

श्री हेच० हनुमनतप्पा: 251 का हो गया, उसको क्लीयर कर दीजिए । . . . (व्यवधान) . . . दोनों को लिंक करने की जरूरत नहीं है। . . . (व्यवधान) . . .

श्री प्रमोद महाजन (महाराष्ट्र) : मैडम, हमको नहीं बोलना है इनकी आपत्ति पर, कोई जबर्दस्ती है ?

उपसभापति : मिस्टर महाजन, वह जो आपत्ति उठाए हैं, उस आपत्ति के ही अंतर्गत कामर्स मिनिस्टर बोले है ।

श्री प्रमोद महाजन : जयंती जी की आपत्ति है, सुषमा जी कहेंगी, हनुमनतप्पा जी की आपत्ति पर हम लोग बोलेंगे ।

श्रीमती सुषमा स्वराज : मैडम, जयंती नटराजन ने दो आपत्तियां उठाई है । पहली आपत्ति उनकी यह थी कि चेयरमैन की सहमति के बिना कोई मोशन रेज नहीं किया जा सकता । प्रामाणिकता से तो इसका जवाब आप स्वयं देंगी, लेकिन जहां तक मेरी जानकारी है और जो कुछ सदन में अभी हुआ है, जैसे कि आपने जब आइडेंटिफाई किया सिकन्दर बक्त जी को मोशन पर बोलने के लिए, इसके मायने है कि आपकी सहमति है और जो मेरी जानकारी है वह यह है कि आपकी सहमति के बाद ही उन्होंने यह मोशन रखने की बात कहीं ।

जहां तक दूसरा सवाल है 169(7) का, उसका जवाब जैसा कि सिकन्दर बक्त जी ने दिया, अगर यह मैटर नया नहीं होता तो मंत्री महोदय स्वयं एक नई स्टेटमेंट लेकर नहीं आते । यह मैं मानती हूं कि सैशन सेम है, सैशन की निरंतरता है, लेकिन सब्जेक्ट मैटर सेम नहीं है, सब्जेक्ट मैटर बदल गया है । 15 अप्रैल के बाद "गैट" की संधि पर हस्ताक्षर किए है सरकार ने और जो नया "गैट" समझौता हुआ है, उस हस्ताक्षर के विरोध में जो हम लोगों के व्यूज है, उनको हम कहना चाह रहे हैं । 15 अप्रैल से पहले हस्ताक्षर न किए जाएं, इस बात को लेकर के "गैट" का एक मसला यहां आया था । दोनों सब्जेक्ट मैटर का सारा परिवेश बदल गया है, पूरा सब्जेक्ट मैटर बदल गया है और अगर यह सब्जेक्ट मैटर अलग-अलग न होता तो पहली बार जब सरकार अपना एक वक्तव्य लेकर आई थी, अब दूसरा वक्तव्य देने की जरूरत सरकार न समझती । इसलिए सरकार की ओर से दूसरे वक्तव्य का आना अपने आप में इस बात को सिद्ध करता है कि सब्जेक्ट मैटर बिल्कुल नया है । सैशन की निरंतरता होते हुए भी सब्जेक्ट मैटर के बदल जाने के कारण से 169(7) नियम इस पर एप्लाई नहीं करता और इसलिए यह मोशन मूव करने की सिकन्दर बक्त जी को इजाजत दी जानी चाहिए, यह मेरा आपसे अनुरोध है ।

THE DEPUTY CHAIRMAN: Now both the points have been put before the House. . . . *(Interruptions)* .. . Mr. Swell, you want to say something ? ... *(Interruptions)* . . .

SHRI M. A. BABY (Kerala) : Madam, . . . *(Interruptios)* . . .

THE DEPUTY CHAIRMAN : Let him ask first. You can clarify later. Let this be cleared. .. . *(Interruptions)* .. .

SHRI G. G. SWELL (Meghalaya): I would just clarify one point in just three sentences. I would like to know from the Minister whether there are 215 countries in the world, 215 members in the United Nations. According to your draft here . . . *(Interruptions)* . .

THE DEPUTY CHAIRMAN: We are not discussing the draft just now ... *(Interruptions)* . . .

SHRI G. G. SWELL: This is bad drafting. You are saying that there are 215 countries in the world, which is not true. Bad drafting.

THE DEPUTY CHAIRMAN : Now that matter will come up after we clear this objection . . . *(Interruptions)* . . .

SHRI G. G. SWELL: Should we allow any kind of drafting to come before the House ? .. . *(Interruptions)* ...

THE DEPUTY CHAIRMAN : Mr. Minister, you wanted to say something . . . *(Interruptions)* ... He is on his legs . . *(Interruptions)* ... Let him speak... *(Interruptions)* . . .

SHRI PRANAB MUKHERJEE : Madam, I want to clarify one point. I am not clarifying the statement. I made a statement *suo motu* under rule 251, to keep the House informed. Therefore, it is not a new issue . . . *(Interruptions)* . . .

When this discussion took place . . . *(Interruptions)*

SHRI PRAMOD MAHAJAN : Keep informed about what ?

SHRI PRANAB MUKHERJEE : Of course, on GATT. It was also debated. It was also discussed. I also told them what I was going to do on 15th April. It is on record. . In my reply I had mentioned that I am going to authenticate and now I am informing the House that I have authenticated ... *(Interruptions)* ...

SHRIMATI SUSHMA SWARAJ : What about the new development ? ... *{Interruptions) ...*

THE DEPUTY CHAIRMAN: One by one ... *(Interruptions)* ... Until and unless I clear this hurdle, this technical problem, I cannot allow any other discussion . . . *[Interruptions)* . . .

SHRI GURUDAS DAS GUPTA (Wert Bengal): Madam, I want to speak on the issue of technical admissibility .. . *{Interruptions)* ...

SHRI S. JAIPAL REDDY (Andhra Pradesh : Madam ... *(Interruptions)* .. .

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, you are a very senior Parliamentarian and a Member here. As I have clearly said, Shri Sikander Bakht had written to me. I had seen the papers. . . . *(Interruptions)* . . .

SHRI GURUDAS DAS GUPTA : Madam, . . . *(Interruptions)* . . .

THE DEPUTY CHAIRMAN: I cannot speak every word at the same time. Let me go properly. So, his letter came first and then the letters from the leaders of other political parties came. At that time, I told him, "Sikander Bakht Saheb, when we come to the House, we will take it." Now the Minister has very clearly said that he was going to make a *suo motu* statement according to Rule 251. And what is the convention in the House ? It is that the Members seek clarifications ... *(Interruptions)*

SHRI PRAMOD MAHAJAN : The rule is against it

THE DEPUTY CHAIRMAN : But this is the convention and we have been, on the request of the Members, continuing with this convention of seeking clarifications. Now, Mr. Mukherjee, I want to ask something. Is it obligatory on your part to get your signature authenticated or ratified by Parliament before bringing any motion ?

SHRI PRANAB MUKHERJEE: No, Madam, . . . *(Interruptions)*

SHRI PRAMOD MAHAJAN: It is 'No', because, otherwise, they cannot pass it. They are worried about this motion. . . . *(Interruptions)*

THE DEPUTY CHAIRMAN: Pleas* sit down . . . *(Interruptions).* Please help me. I need your help ... *(Interruptions)* I need your support and co-operation in setting this matter . . . *(Interruptions)*

DR. BIPLAB DAS GUPTA (West Bengal) : Parliament has been bypassed. *(Interruptions)*

THE DEPUTY CHAIRMAN: Pleas* sit down . . . *(Interruptions)* It is not the Commerce Minister who had formulated this rule. There are certain conventions and rules. If before every treaty that the Government signs, before every convention that the Government signs, it has to bring . . . *(Interruptions).* I don't understand the problem with you people. You cannot listen to the Chair . . . *(Interruptions)* I will listen to you, but, first, you listen to me . . . *(Interruptions).* You don't allow me to speak. We have to discuss . . . *(Interruptions).* Just a minute. The thing is, if it is not obligatory on the part of the Government to come before Parliament before signing every treaty, I cannot do it. I have to do it according to some rule. Under the convention or under any rule, it is not necessary for the Government to get it ratified by Parliament . . . *(Interruptions).* How can I allow? He is informing . . . *(Interruptions,).*

प्लीज, यहां कोई लड़ाई झगड़ा नहीं है । एक मिनट बैठिए ।. . . (व्यवधान)

SHRI SIKANDER BAKHT : They have not only bypassed Parliament but they have also bypassed the entire country . . . *(Interruptions).* They have bypassed the people of the entire country ... *(Interruptions).*

SHRI GURUDAS DAS GUPTA: I have a point of order . . . *(Interrup-*. . . There is no quarrel, please . . . *(Interruptions)* Just a minute . . . *(Interruptions) I* will allow you. Please sit down . . . *(Interruptions)* Don't make any allegations . . . *(Interruptions).* I won't permit any allegation . . . *(Interruptions)* 1 will allow you . . . *(Interruptions)*

SHRI PRAMOD MAHAJAN : Madam, that is not the issue today. Today the

star issue is what Mr. Sikander Bawht said . . . *(interruptions)*

THE DEPUTY CHAIRMAN : Please, Mr. Narayanasamy, let me handle it. Don't interfere in this matter. It is a serious matter. It is not a quarrel .. . *{Interruptions)*

SHRI GURUDAS DAS GUPTA : I have a point of order . . . *(Interruptions).*

THE DEPUTY CHAIRMAN : Just a minute . . . *(Interruptions).* It is not a quarrel either of the Opposition with the Government or of the Government with the Opposition. Yesterday, there was agitation. Then, they sat in my Chamber and the Minister agreed to make a statement. Now he has come to the House with a statement. There is a technical problem which we will have to overcome and then we can start the discussion. . . *(Interruptions).*

SHRI GURUDAS DAS GUPTA : 1 have a point of order . . . *(Interruptions)*

उपसभापति : सब लोग एक साथ क्यों खड़े होते हैं।

Then, how can I identify you ? ... *(Interruptions).* I will call you. But why is everybody getting up ? ... *(Interruptions)* Sikander Bakht Saheb, I will allow you. . . *(Interruptions).* Wiii you sit down? I have to allow one by one. I cannot allow everybody at the same time.

SHRI PRAMOD MAHAJAN : Let the House decide.

SHRI GURUDAS DAS GUPTA: Madam, I have a point of order.

श्री शंकर दयाल सिंह (बिहार) : महोदया, क्या सदन की पुष्टि इस के लिए जरूरी नहीं थी ? मैं आप से यह कहना चाहता हूँ कि लोकतंत्र में सदन को विश्वास में लिए बिना अगर सरकार ने इतना बड़ा फैसला किया है तो यह सबसे बड़े दुःख की बात है कि इस के लिए सदन की पुष्टि की जरूरत नहीं है । मैं जानना चाहता हूँ कि जब भी इस सदन में इस बात की चर्चा हुई है बराबर सरकार की ओर से कहा गया है कि बिना सदन को विश्वास में लिए, बिना देश को विश्वास में लिए हम कभी भी इस संधि पर हस्ताक्षर नहीं करेंगे । मैं जानना चाहता हूँ कि क्या यह सदन के प्रति विश्वास-घात नहीं है ? मेरा कहना यह है कि यह सदन के प्रति विश्वासघात है, लोकतंत्र के प्रति विश्वासघात है . . . (व्यवधान)

SHRI M. A. BABY : Madam, I am on a point of order. I should be heard.

THE DEPUTY CHAIRMAN : Everybody is on a point of order or disorder. Please let me handle the situation. I have identified you. You are sitting right in front of me. I will permit you.

SHRI M. A. BABY: Madam, I seek your indulgence.

THE DEPUTY CHAIRMAN : First of all, I want the Members to be calm, not to get agitated. There is no point in getting agitated. We are going to discuss it in any case. The question is whether Shri Sikander Bakht is right, according to the rules, in moving a motion or not. This is the only question. The Minister has made a *suo motu* statement. It is written in the order paper also. I want to decide whether a motion can be moved on a *suo motu* statement. That is the only question. Let me put it that way.

SHRI GURUDAS DAS GUPTA: That is precisely my point also. The Minister made a *suo motu* statement. The Minister is pleased to make a *suo motu* statement and the House is also pleased to discuss the statement of the Minister. Yesterday we had a discussion in the presence of the Hon'ble Presiding Officer. There was a consensus and there was no dissenting voice at all ... *(Interruptions)* ... I am speaking with your permission . . . *(Interruptions).*

SHRI PRAMOD MAHAJAN : The Parliamentary Affairs Minister has told the Press about this. But he could not inform Parliament . . . *(Interruptions)* . . .

SHRI MD. SALIM (West Bengal) : The Parliamentary Affairs Minister informed the Press about this matter . . . *(Interruptions)*

SHRI GURUDAS DAS GUPTA: We had unanimously agreed to convert the discussion on the statement into a general discussion. Therefore, the statement and questions on the statement be converted into a general discussion. I seek your indulgence to seek the permission of the House. If this permission is granted, then I am permitted under rule 167 to move a

motion disapproving the statement which has been made by the hon. Minister.

THE DEPUTY CHAIRMAN : You cannot disaprove a statement under the rules.

SHRI GURUDAS DAS GUPTA: But the point is that it does not require the permission of the hon. Minister to agree to this or not to agree to this.

THE DEPUTY CHAIRMAN: We are not taking his permission.

SHRI GURUDAS DAS GUPTA: It is the discretion of the House .. . *{Interruptions)* . ..

THE DEPUTY CHAIRMAN : We are not taking his permission.

SHRI GURUDAS DAS GUPTA: It should be the wisdom of the House to agree or not to agree to convert the discussion into a general discussion. Therefore, I plead with the House that such an important issue cannot be disposed of without taking the parliamentary mandate and parliamentary ratification. This is my question.

THE DEPUTY CHAIRMAN: Now, I have identified Mr. Salve.

SHRI N. K. P. SALVE : Madam, the question is exceedingly crucial. What the hon. Member, Mr. Gupta, has said is correct that without the mandate of Parliament, such a crucial issue cannot be disposed of.

AN HON. MEMBER: Madam, you are allowing him because he is a Congress-I Member.

THE DEPUTY CHAIRMAN: Mr. Gupta is not a Congress-I Member.

THE MINISTER OF POWER (SHRI N. K. P. SALVE): Madam, I want to submit to you respectfully on the last point made by Mr. Gupta. Can Mr. Pranab Mukherjee dispose of such a crucial issue, such an important issue without the mandate of Parliament under the executive authority vested in the Government of India? That is the crucial matter, that is the heart of the matter. Madam, I want to submit in all humility that the hon. Leader of the Opposition, and everybody eke to look at it calmly. Our founding fathers of the Constitution, in their wisdom, have left this outside authority of the Parliament Let them show any article anywhere in the written Constitution, that for this kind of ratification, the Government's executive authority is not . .. *(Interruptions)*

THE DEPUTY CHAIRMAN : Just a minute, please ... *(Interruptions)* I am asking for calm. Let him finish ... *(Interruptions)* .

SHRI PRAMOD MAHAJAN : The ratification of an international treaty is not under discussion.

THE DEPUTY CHAIRMAN : Just iv minute

प्रमोद जी आप जरा बैठिए. . . . (व्यवधान)

श्री प्रमोद महाजन : कांस्टीट्यूशन में प्रावधान होता ट्रीटी के रेटिफिकेशन का तो इनकी क्या हिम्मत होती न करने की ? . . . (व्यवधान)

THE DEPUTY CHAIRMAN : The question is : Can Sikander Bakht Saheb move a motion on a *suo motu* statement ? That is the basic question.

SHRI N. K. P. SALVE: Madam, the second issue is ... *(Interruptions)* I want to submit . . . *(Interruptions).*

उपसभापति : आप लोग बैठ जाइए । . . . (व्यवधान) . . . . एक की बात पूरी हो जाने दीजिए तो ज्यादा बेहतर होगा । . . . . (व्यवधान) आप सब लोग शांत हो जाइए ।

I will be extremely obliged for the sake of Parliament and the functioning of this House Please have calm. There is no running away from discussion. I assure you, we will discuss it. We are only trying to find if Sikander Bakhtji is right and the other Members are right to move a motion disapproving a *suo motu* statement because if we do that today, then we have to have a precedent for the future. We do not run this House in a vacuum like this.

SHRI N. K. P. SALVE: Mr. Pramod Mahajan has answered the question of Mr. Gurudas Das Gupta that the Constitution does not provide so. And if it had

been provided, we would have come here. So, that question is answered. Let us not be told about the Constitutional provisions that it is mandatory for us to take the mandate of the House. That is an absolutely erroneous, incorrect and untenable proposition of the Constitutional Law. I now come . . *{Interruptions).* He has not sought any approval, Madam, because it is unnecessary. In his authority, the Government of India can do it. . . *(Interruptions)* .

SHRI PRANAB MUKHERJEE : I have not sought any approval of the House. In the statement, I have only kept the House informed. What are you disapproving of? *(Interruptions).*

SHRI GURUDAS DAS GUPTA : That is the fault of the Minister. He has not sought the permission of the House. *(Interruptions).*

SHRI SIKANDER BAKHT :.. and does he have to say that I have not sought your disapproval? anything which the Government brings. You can even... (Interruptions). Just a minute. Sikander Bakhtji, you can disapprove even the Government. No problem. You can do it because, as a Member, you have a right. But I am only seized with a situation. The Minister brought a *suo motu* statement. I have to run this House or the other people have to run this House. In future, on every *suo motu* statement, if a motion is going to come to disapprove, then we will have a difficulty. So, we do not want to have such precedents. Let us clear this Then we will go ahead. No problem. You disapprove as much as you like.

SHRI SIKANDER BAKHT: Madam, you want the precedents.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): I will give the precedents. *(Interruptions).*

SHRI N. K. P. SALVE: Madam, I am on the scope of Rule 167. That is the first point made by Mrs. Natarajan. "Save in so far as is provided by the Constitution....". That is the mandatory requirement.

SHRI GURUDAS DAS GUPTA : Where is it written that it does not provide?

THE DEPUTY CHAIRMAN: Which rule?

SHRI N. K. P. SALVE: Rule 167 *(Interruptions)* . . . Will you listen to my argument? Mr. Mahajan has already answered you, Mr. Gurudas Das Gupta. Madam, Mr. Mahajan has already answered that the mandate of the House is not required under the Constitution. He says that. He concedes that. Now, the second point....

SHRI PRAMOD MAHAJAN : I do not say Constitution....

SHRI N. K. P. SALVE: Under the Constitution, no mandate of the Parliament is necessary. That is the accepted position.

AN HON. MEMBER: He said, International Treaty.

SHRI N. K. P. SALVE : This is what we are talking of Rule 167 says : "Save in so far as is otherwise provided by the Constitution or by these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Chairman." There are two or three aspects of the matter. When the Constitution itself, in terms, permits the Government of India in its executive authority ... *(Interruptions)* ... It is a very basic point I am making—the motion is *ultra vires* the Constitution . . . *(Interruptions).*

SHRI GURUDAS DAS GUPTA : Where is it provided?

श्री शंकर दयाल सिंह : इससे बड़ी हास्यास्पद बात और कोई हो ही नहीं सकती है । रोज मंत्री गण सदन में वक्तव्य देते है कि यह देश के भविष्य का प्रश्न है और पूरी गंभीरता से....

श्री एन० के० पी० साल्वे : यह बात मुझे मंजूर है ।

श्री शंकर दयाल सिंह : यह जो.... (व्यवधान) ....मंत्री जी का स्टेटमेंट आया है.... (व्यवधान)

श्री एन० के० पी० साल्वे : मुझे आपकी बात मंजूर है । आपकी बात सर आंखों पर । मगर...

श्री शंकर दयाल सिंह : मैं...(व्यवधान).. मैं आप जैसे पालियामेंटरियन से पूछना चाहता हूँ, मैं आपसे बड़े अदब से पूछ रहा हूँ कि क्या यह सोओ-मोटो स्टेटमेंट से आप समझते है कि..... (व्यवधान)

श्री एन० के० पी० साल्वे : बिल्कुल नहीं । लेकिन आप मेरा जवाब तो सुन लीजिये ।

उपसभापति : आप सुन लीजिये । . . . (व्यवधान) . . . . आप बोल चुके हैं । उनका जवाब अब आने दीजिये ।

श्री एल० के० पी० साल्वे : यह बात सही है कि यह मुल्क के भविष्य का सवाल है । यह कोई मामूली स्टेटमेंट नहीं है । यह बहुत बड़ा स्टेटमेंट है । यह हमने कब कहा कि यह महत्वपूर्ण स्टेटमेंट नहीं है । इस स्टेटमेंट और इस बयान की एक अहमियत है, भविष्य के लिये एक अहमियत है । लेकिन भविष्य में हम क्या करने जा रहे है और उसका क्या परिणाम होने वाला है इस बारे में आपकी दृष्टि, आपका नजरिया और हमारा नजरिया अलग अलग हो सकता है ना ? . . . . (व्यवधान) . . . .

श्री शंकर दयाल सिंह : हम जानते है कि मुल्क को गिरवी रखा गया है । . . . . (व्यवधान) . . . .

SHRI GURUDAS DAS GUPTA : It is a matter of national interest.

THE DEPUTY CHAIRMAN : I am not sitting in this Chair to decide whether this matter is serious or not serious. My point only relates to rules that if a Minister comes with a *suo motu* statement, whether a motion can be moved to disapprove that; matter. This is the only issue before me. I am not concerned whether Sikander Bakht Sahib approves it or not. They can do whatever they like. I am only on the procedural matter. That is the reason why yesterday also we were agitated and I called a meeting. So, sincerity is there.

SHRI N. K. P. SALVE : The motion is *ultra-vires* the Constitution and it cannot be entertained under rule 167. That is number one. Secondly . . . *(Interruptions)*

SHRI GURUDAS DAS GUPTA : How? Will you explain why it is not permitted?

SHRI N. K. P. SALVE : I have already explained.

SHRI GURUDAS DAS GUPTA : No, you have not. Where does it prohibit? Where is the impediment?

SHRI N. K. P. SALVE : I will tell you. There are other constitutions in the world which provide that international treaties cannot be gone into unless ratified by the Parliament. But our Constitution does not have it. Therefore, what he is doing is precisely to seek the mandate of Parliament for ratification. It is an infringement on the authority given under the Constitution to the executive. Now, the second point I am making is....

THE DEPUTY CHAIRMAN: Mr. Mathur has got some precedent to quote. Let us hear that and then you can comment on it.

SHRI N. K. P. SALVE: Mr. Mathur, I know you are referring to page 339 of Kaul and Shakdher on a matter of 25-4-73. I am not wrong, I hope. Is that the precedent you are referring to Mr. Mathur?

THE DEPUTY CHAIRMAN : Let Mr. Mathur speak. I have to adjourn the House for lunch also . . . *(Interruptions).* Let Mr. Mathur refer to whatever he wants to? Let him refer to the precedent.

SHRI S. JAIPAL REDDY: Before you adjourn, kindly permit me, Madam.

श्री जगदीश प्रसाद माथुर : मेडम, जहां तक रेटिफिकेशन का सवाल है, मैं साल्वे साहब से बिलकुल सहमत हूँ कि किसी भी ट्रीटी के रेटिफिकेशन की पार्लियामेंट में आवश्यकता नहीं है, सरकार को अधिकार है । मेरा मत यह है कि इस पर दो मत नहीं है । सवाल यह है कि सरकार भी चाहती है और हम भी चाहते हैं कि इस मामले पर बहस हो । इसमें भी दो मत नहीं है । प्रश्न केवल यह है कि इसको शार्ट ड्यूरेशन डिसकशन किया जाए या नियम 167 के अन्दर ले कर इस पर वोट भी किया जाए । सवाल सिर्फ इतना ही है । एडमिसिबिलिटी की दो स्टेज होती है । एक तो यह है कि जब चेयर सदन में उस प्रश्न को उठाने देती है और बाद में सदन उसको अप्रूव करता है या नहीं करता है । इसलिए मेरा निवेदन यह है कि आपने जब सिकन्दर बक्त साहब को यह इजाजत दे दी है कि यहां पर उठाएं तो एडमिट तो यह हो गया . . . .

उपसभापति : मैंने इजाजत नहीं दी है ।

I have not given permission. No. I must correct you. Mr. Mathur, it is not correct. It is absolutely not correct that I have permitted him.

SHRI PRAMOD MAHAJAN : What did you do?

THE DEPUTY CHAIRMAN : I did not do anything .. *(Interruptions)* .. Just a minute. Please do not interrupt me. Let

me clarify my position. I have said, not once, but ten times, the same thing. Mr. Sikander Bakht wrote a letter. That does not mean that I have given permission. Look at the letter. I have only signed it. 1 have not permitted it. Until and unless I come before the House, I cannot take any decision. I should know the technical position. Please do not put me into this. *(Interruptions)*

श्री जगदीश प्रसाद माथुर : इसलिए नंबर एक सवाल यह है कि 167 के अंतर्गत इसको ला कर के इस पर बहस हो या नहीं हो । आपका कहना यह है कि ऐसा प्रेसीडेंट नहीं है । मेरे पास लोक सभा का प्रेसीडेंट है । (व्यवधान)

उपसभापति : कौन से पेज पर है ?

श्री जगदीश प्रसाद माथुर : यह लोक सभा की डिबेट है ।

श्री सुरेश कलमाडी (महाराष्ट्र) : राज्य सभा में लोक सभा का लागू नहीं होगा । (व्यवधान)

श्री विष्णु कान्त शास्त्री (उत्तर प्रदेश) : क्यों नहीं लागू होगा ? (व्यवधान)

श्री प्रमोद महाजन : हाउस आफ कामंस का चल सकता है, लोक सभा का नहीं चल सकता है ।

SHRI JAGDISH PRASAD MATHUR. This is from the Lok Sabha debate, dated March 11, 1965. This was a *suo motu* statement. Shri P. K. Deo, the Minister, moved it. He said : T beg to move that the House take note of the statemenl on...' There was a discussion on it. The motion was adopted on March 12, 1965. (*Interruptions)*

SHRI JAGESH DESAI: There is a difference between the Lok Sabha and the Rajya Sabha. In the Lok Sabha, there is no discussion when a statement is made. In the Rajya Sabha, clarifications are allowed. *(Interruptions)*

SHRI M. A. BABY: Madam, will you listen to me for a minute? *{Interruptions)*

श्री जगदीश प्रसाद माथुर : मुझे पूरा तो करने दो भाई । (व्यवधान)

THE DEPUTY CHAIRMAN: Mr. Ramchandran, do not add more trouble to the already troubled House. *(Interruptions)* There is no agreement between anybody. How can there be agreement with the Gov ernment ?

श्री जगदीश प्रसाद माथुर । मेरा पार्लियामेंटरी प्रेक्टिस जिसका दुनियां में सम्मान किया जाता है, लोक सभा के ऐसे पांच-सात उदाहरण हैं लेकिन मेरा सवाल यह है कि बजाय इसके कि इस पर बहस हो अब यह बात सदन में हम लोगों ने उठा दी है, अब सदन यह तय करे कि यह मोशन हो या न हो, इस पर बहस हो जाए ।

THE DEPUTY CHAIRMAN : May I suggest something ? It is lunch time now. We will discuss it after lunch.

SHRI S. JAIPAL REDDY: Madam, I have been requesting you to allow me before you adjourn for lunch. *(Interruptions')*

I will

श्री जगदीश साद माथुर उपसभापति महोदया, मैं मूव करता हूं कि सब रुल्ज वेव कर के इस बात पर सदन का मत लिया जाए कि 167 में वोट होगा । मैं यह मूव करता हूं ।

THE DEPUTY CHAIRMAN look into it.

SHRI JAGDISH PRASAD MATHUR : 1 move it ... *(Interruptions)* . . .

THE DEPUTY CHAIRMAN : I cannot take such a decision in such a hurry when there is such a divided opinion. And we have to adjourn for lunch. At 2.30 we will come and listen to you. .. *(Interruptions)* ... At 2.30 we will listen to you. There is ao problem.

The House is adjourned for lunch till 2.30 p.m.

The House then adjourned for lunch at thirty-six minutes past one of the clock.

The House reassembled after lunch at thiry-one minutes past two of the dock, THE DEPUTY CHAIRMAN in tlw Chair.

SHRI M. A. BABY: Madam, you may please listen to me about my point of order

THE DEPUTY CHAIRMAN: I will listen to you. Now that I have come back after lunch, I can listen to everything. . . . *(Interruptions)*

Actually about 20 persons were waiting for lunch in my chamber. Otherwise,

we would have sa* through the lunch hour.

SHRI M. A. BABY : Where is the Minister ?

उपसभापति : आ रहे है, आ रहे है । खाना खाकर आ रहे है ।

I have to decide about it, not the Minister.

SHRI GURUDAS DAS GUPTA: Madam, how can we discuss about it ? The Hon. Minister is absent. ... *(Interruptions)*

SHRI M. A. BABY : Without the concerned Minister, how can we discuss it ? The Minister should be here.

THE DEPUTY CHAIRMAN : I think the Law Minister is also very much concerned with this. Here is the Law Minister.

SHRI GURUDAS DAS GUPTA : Let us adjourn the House till the Hon. Minister comes.

THE DEPUTY CHAIRMAN : No. We are not just now discussing about the GATT agreement, for which the Minister should answer. Just now we are on a legal matter, and the Law Minister is here.

SHRI GURUDAS DAS GUPTA : According to all senst of propriety.

SHRI SIKANDER BAKHT: Has my motion been admitted or not ?

उपसभापति : अभी तक तो कहा हुआ है, अभी तो लंच हो रहा था ।

SHRI GURUDAS DAS GUPTA: The Hon. Minister of Commerce should make himself present in the House when the House is deliberating upon the question of admissibility of the resolution. Otherwise, the House cannot continue.

THE DEPUTY CHAIRMAN : The Hon. Minister should be present in the House. Convey.

SHRI M. A. BABY : Did the Minister take your permission to absent ? ... *(Interruptions)*

THE DEPUTY CHAIRMAN : Okay. Let me hear what he wants to say.

SHRI GURUDAS DAS GUPTA : Let usf adjourn the House.

SHRI M. A. BABY : Let us adjourn the House.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : मैं प्रश्न पूछना चाहता हूँ, किससे क्लैरीफिकेशन पूछूं ?

THE DEPUTY CHAIRMAN : It is a joint responsibility of the Government. A Cabinet Minister is present here. He provides us food. He is here.

श्री सत्य प्रकाश मालवीय : जिन्होंने स्टेटमेंट दिया है वह लापता हो गए । कॉमर्स मिनिस्टर हाउस से लापता हो गए ।

THE DEPUTY CHAIRMAN : The Minister has come.

Mr. Mukherjee, the Members of this House, I think, are very fond of you. They want you to be present at the time we start.

SHRI S. JAIPAL REDDY: Madam, you have to call me.

THE DEPUTY CHAIRMAN : Mr. Baby, I will call Mr. Jaipal Reddy because he was on his feet when I adjourned the House. No problem. We will discuss it ...

. . . (व्यवधान) आपको भी बुला लेंगे, हनुमनतप्पा जी को भी बुला लेंगे, कोई बोलेगा तो उसको भी बुला लेंगे, और सुषमा जी को भी बुला लेंगे । (व्यवधान)

All right, everybody. Yes, Mr. Jeth-malani will also be called.

All right. Now, shall we discuss it in a very peaceful atmosphere so that we can get over it and start the discussion ?

SHRI S. JAIPAL REDDY (Andhra Pradesh) : Madam Deputy Chairman, firstly, I would like to state that the GATT Treaty is not an ordinary international treaty. It is an extraordinary international treaty which was not dreamt of by the founders of our Constitution. Therefore, to say that this Treaty doesn't require ratification would be to indulge in hyper-technicality. I do not think the technicality is constitutionally sustainable at all. This Treaty involves intrusive

international economic law. It impinges on the sovereignty of the country and what is more, it also trespasses upon the sectors or subjects reserved exclusively for the States.

In Germany, I know it for myself that if any subject reserved for *Lander,* which is the State in Germany, is allowed to be trespassed by the European Community, it is not only the Federal Parliament of Germany but also the States which are allowed to have a say. Therefore, it is not an ordinary international treaty which does not require ratification. At any rate, this Treaty is such the Government will be obliged on some day to come with a number of legislative proposals and those propsoals cannot attain final shape unless they are approved by this House. Therefore, this Government should.. .

THE DEPUTY CHAIRMAN : Let Mr. Jaipal Reddy formulate his point and speak on the subject. There is no disagreement about the discussion. It is only formative which he is deciding for the future, okay. What he is saying is a serious matter. But it is a very important peace of agreement which the Government has signed. So, he has a right to speak on it.

SHRI S. JAIPAL REDDY: Therefore, Madam, this Government should face the reality of its position in the Council of the States. We don't have to tell the Government that it is in a minority in this House and it cannot have the patent law changed or it cannot have *sui generis* system adopted unless those legislative proposals are also endorsed by this House. Therefore, it is better for the Minister to brace himself up for facing the House right at this point of time. He should not put off the evil days, the day of reckoning because the day of reckoning has the habit of operating like a nemesis; it will overtake. Therefore, before the Government signs the Treaty as such . .. *(Interruptions)* ... The Minister said that he only signed authentication; he has not signed the Treaty. Well, the United States also has not signed the Treaty. Therefore, that does not mean anything. The Government has been telling everybody for the last two years that they will sign the Treaty, whatever the Treaty be. Therefore, the Minister's Statement that he has not signed the Treaty doesn't mean anything at all. He has made a further commitment.

So far as the motion tabled by the Leader of the Opposition and similar motions tabled by other Members are concerned, I think those motions are perfectly in order. After all, this House can express an opinion whether the House is competent to ratify an international treaty or not. This sovereign House has a fundamental right to express an opinion on a treaty. We are seeking your permission to express an opinion. Therefore, please admit the motion and put the motion to vote.

SHRI M. A. BABY : Madam, please permit me to speak.

THE DEPUTY CHAIRMAN : I will call one Member from this side and another Member from that side.

Mr. Madan Bhatia. Please be brief.

SHRI MADAN BHATIA (Nominated) : Madam Deputy Chairman, the Hon. Member had raised basically a Constitutional question. Without getting into political polemics, I will answer the point which has been raised by the Hon. Member on the basis of the Constitution.

It is my submission, Madam Deputy Chairman, that under Article 73 of the Constitution of India, read with Entries 13 and 14 of the Union List contained in the Seventh Schedule, participation in international conferences, associations and other bodies and implementation of their decisions, execution of any international agreement, convention or treaty, is a part of the executive power of the Union. Wherever the Constitution-makers thought it necessary that the exercise of any executive power of the Union should be subject to ratification by Parliament, they specifically so provided in the Constitution. I will give two examples. Whenever the Executive declares or proclaims emergency, it is an executive power of the Union. But this is subject to the approval of both the Houses of Parlia-

ment. And, Article 352, in turn, says that the proclamation of emergency which is an exercise of the executive power of the Union shall be subject to the approval of Parliament. Similarly, if the Executive of the Union dismisses a State Government, that dismissal is subject to approval or disapproval under Article 356 of the Constitution by Parliament, by each House of Parliament. The Constitution-makers have clearly adumbrated that there are various kinds of exercise of the executive powers of the Union which must be ratified by Parliament and if they are not ratified by Parliament, the exercise of those powers shall lapse. Wherever there is no such provision, Article 73 reigns supreme which speaks about the extent of executive power of the Union. It says :

> "(1) Subject to the provisions of this Constitution, the executive power of the Union shall extend—
>
> (a) to the matters with respect to which Parliament has power to make laws;"

The executive power of the Union covers all these fields on which Parliament has got the power to make laws. Kindly see Entries 13 and 14 of the Union List.

Entry 13 says:

> "Participation in international conferences, associations and other bodies and implementing of decisions made thereat."

Entry 14 says :

> "Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries."

This is the power, executive power of the Union when the Union executes a particular treaty. In this connection, 1 draw the attention of this hon. House to a well-known judgement of the Supreme Court which was reported in AIR 1955 Supreme Court 549. It says that the executive power is not confined to the execution or carrying out of the laws passed by the Legislature. It is not necessary that first Parliament should make the law and only then the executive power of the Union will be exercised. When there is no law, the Executive is free in the exercise of its executive powers to go ahead with the execution of its powers as conferred upon the Executive by Article 73, read with the Entries contained in the Union List. Then it says that the executive Government has the power to carry on trade or business without a specific legislation sanctioning such a course. Even when there is no law and if the Government wants to carry on a trade, the Government does not require the sanction of the law before the Government carries on that trade because Article 73 confers that power. The only claim which is being made by the hon. Member is that this requires ratification. This will be putting the Constitution completely on its back. There is no provision in the Constitution and it will be establishing a totally wrong Constitutional precedent against a specific provision of the Constitution if such a resolution saying that Parliament has got the power to ratify or not to ratify a particular treaty entered into by the executive of the Union should be brought forth and should be allowed to be carried and the decision of the House should be obtained to this effect whether it shall be ratified or it shall not be ratified. This, I respectfully submit, would be totally throwing the Constitution to the winds. Thank you.

SHRI M. A. BABY (Kerala): Madam, you may not believe me when I say that I agree with some of the formulations made by even my hon. colleague, Shri Madan Bhatia, because the Constitution does not stipulate the ratification of any international treaty by either House of Parliament. Salve Ji is also right and Bhatia Ji is also right. We know that our Constitution is one of the most exhaustive Constitution in the world, covering almost all aspects. If such a Constitution does not make any provision for any international agreement to be ratified by Parliament, we should think why the founders of our Constitution did not find it necessary to stipulate such a necessity of Parliament to ratify an international treaty. The reason is very simple. The founders of our Constitution could never imagine that the interests of our country would ever be compromised by the elected Government of this

country. For this reason, there is no Constitutional stipulation that an international treaty should be ratified. Having identified this lacuna and having seen the way in which a minority Government, which has become majority by default or by defection or by defect, started compromising the interest of this country. Madam, you know that there is a Private Member's Bill pending with a Constitutional amendment, demanding that inter-notional treaties should be ratified by both Houses of Parliament. Unfortunately, that could not be taken up for discussion for obvious reasons. Now, it has become a fashion in our country that many people in our country go in for American model. I am not for going in for the American model nor am I against taking something good if that exists in the United States of America. We know that in the United States of America, international treaties are to be ratified by Parliament. This is one particular provision which, in my opinion, should be copied especially with the experience that we have had today with regard to the signing of the GATT proposal. Therefore, we should very seriously consider the necessity even for bringing about some Constitutional change, considering the colossal ratifications of Himalayan importance of the issue that is before the country and before both Houses of Parliament. Therefore, there is nothing wrong if we make a Constitutional amendment as a result of which both Houses of Parliament would be in a position to discuss it. Thank you.

SHRI RAM JETHMALANI (Maharashtra) : Madam, I am sorry to say that there are three separate issues altogether which we are mixing up when we are discussing only one of those three issues. We are not discussing whether GATT is good or bad ; whether the action which has been recently taken by signing this agreement on the 15th of April, 1994 is a disaster or whether it is beneficial to the country. It is a separate question on which the House will apply its mind after you have permitted the motion and the discussion on the motion. Keep this issue totally separate. We are also not deciding whether a treaty requires ratification by this House for its international validity. Madam, speaking for myself, on both these issues, I happen to be with the Treasury Benches. According to me, the GATT is good. We will discuss why it is good. According to me, Mr. Bhatia is right when he said that you do not... that you don't require, at all, any ratification by this House for the purpose of any treaty. On this point I may differ from the American Constitution. In America, a treaty solemnly entered into by the President of the United States requires ratification by the Senate of the United States, but they have got a further provision that once a treaty becomes binding after ratification by the Senate, the treaty overrides the domestic laws of the United States. It overrides all the laws of the country. We have no such provision here. But, Madam, this House and, therefore, the people of this country are entitled to express their opinion upon what the Government has done and this House, in the exercise of its sovereign prerogative of discussing every matter of public importance, will be failing in its duty if it does not discuss this matter. And, equally, I believe that the Treasury Benches will be creating a totally wrong impression if they seek by a technical objection to scotch any debate upon this matter of the gravest public importance.

Now, Madam, as you very rightly said that you yourself don't dispute the right of this august House, you have no intention of detracting from the sovereignty of this House and its sovereign power to express its opinion on behalf of the people of India on any issue of public importance. The question is, really which procedure is to be adopted. Here, 251 and 167 are poles apart. They have nothing to do with each other, strictly speaking, but 251 may well create an occasion for the exercise of the debating power under 167. Under 251, a Minister makes a statement on a matter of public importance. Having made a statement on a matter of public importance, at least the Treasury Benches are morally and legally stopping from saying that the matter on which the Minister has made a statement is not a matter of public importance. Once it is a matter of public importance, then arises the right of this House and the right of every individual Member to act under Rule 167 as the distinguished Leader of the Oppo-

sition has done. All that you have to see, Madam, is : Is it a matter of public importance? On that, the matter is concluded by reason of the fact that the Minister has exercised his right under 251. If it was not a matter of public importance, he would not find it just right to come to this House and Madam, I don't think any same person or any honest person will say that this matter is not a matter of public importance. Once it is a matter of public importance, unless you find that one of the exceptions in rule 167 is attracted, as my distinguished friend, Jayanthi Natarajan, has pointed out, there are three reasons why you should not admit these motions. Now each of those three, to my mind, are totally untenable, and I may be pardoned, she is a very distinguished lawyer, I am quite surprised that she has raised these kinds of objections. In the first place, this matter has never been discussed before in the House. But her first point was, if the matter has been discussed before, in the same session of the House you cannot do it again. And surely, something which has happened on the 15th of April, has never been discussed before. The House is meeting for the first time on the 18th of April. To my mind, it is wholly inaccurate to say that the ratification or acceptance by the Government of the GATT Final Act has ever been debated in the House. You might have debated it in its various facets, in its various stages, in its various overtones and undertones, but the Government's final committal to this Treaty has never been debated and is being debated for the first time, nor is it likely to be debated in the future, in this Session under any other garb. Therefore, the first objection that has been raised is totally irrelevant, and according to me, the first and the second objections were the same.

Another objection was made and that was based upon another part of rule 167. What she said was—and this, Madam, I should like to read to you— "It shall not relate to any matter which is under adjudication by a court." I think, she mentioned something else.

SHRIMATI SUSHMA SWARAJ : Consent of the Chairman.

SHRI RAM JETHMALANI : Consent of the Chairman is always necessary for any motion, but the consent which has to be given by the Chairman is not a matter of whim or fancy or caprice of the Presiding Officer. It is to be guided by the rule itself. If the motion is admissible under the main part of the rule and no exception applies, then the so-called discretion of the Presiding Officer becomes a duty of the Presiding Officer because you will not, under any circumstances, stultify the sovereign right of the House to discuss any matter of public importance. Therefore, Madam, it is not a question which you posed this morning. That is a slightly inaccurate way of posing the question. Is there a right to have a debate on the Minister's statement ? No. That is not the way of posing the question. The question is : The statement having been made on a matter of public importance, is the House entitled to discuss that matter of public importance by a proper motion of the kind which the distinguished Leader of the Opposition has brought before the House ? There your discretion is the judicial discretion and all that you have to do is to read the rule and see if any of the exceptions applies. If the exception does not apply, you are denuded of your discretion. Therefore, my respectful submission is that, whatever be our views on GATT, whatever be our views on ratification problems, this is a matter which this House must discuss and the Government, after it has done this whole thing, must boldly be prepared to court the displeasure of the House. If this House disapproves of the action of the Government, it is open to the Government then to explain it to the higher Parliament which is the people's Parliament. Go back to the people and the results then will be seen in the next elections, whether the people are prepared to return you to power or not. But this debate must take place in this House and we will all have the fullest exposition of our talents and the fullest exposition of our viewpoints and after that the House will take an impartial decision. I think it will be a tragedy in the life of this Parliament, it will be a very sad day for parliamentary sovereignty, if the debate is scotched at this moment by any technical objections based upon the rules.

The rules are meant to further justice I the rules are meant to further the purposes and the purpose of the Parliament is to become a grand inquest of the l nation and if this House wants to show its disapproval of what the Government has done, the Government must bear it patiently and then go back to the people and explain what it has done is right.

SHRI H. HANUMANTHAPPA (Kar-nataka) : Madam, first of all, let me allay the fear of my dear friend, Mr. Ram Jethmalani, that the Government or the Treasury Benches are not interested in the discussion. We are prepared for the discussion on this agreement or treaty. Please don't be under the impression that the Treasury Benches are not interested in the discussion. We are not saying that. I equally assure Mr. Jaipal Reddy that we have also not underestimated it. Yes, we know that we have to come back to the House on the consequential matters of the treaty. We know that. We know our position also. I don't deny the importance of the treaty, the importance of the agreement that we have signed and its consequences also. Today we are on a limited question. Under Rule 251 a suo *motu* statement has been made by the Minister and under Rule 167 a dis-approval motion was moved by the Opposition Leader. My limited point is What is the procedure of the House ? A *suo motu* statement under Rule 251 does not require any approval of this House at all. When the approval of this House sought either in the form of a Bill or in the form of a Resolution, the question of disapproval comes. If there is something to approve then the Opposition is right in asking for disapproval of what we are asking to be approved. Here, the Minister is not seeking any approval of the House at all. It is a statement, a discussion, and clarifications are given by the Minister. This is the limited purpose. As regards disapproval, we have moved so many disapproval motions. When there is an approval, the disapproval should come. I have no objection to the subject being discussed under Rule 167 independently. My limited question is relating to linking Rule 251 with Rule 167. When we are conducting the business of this House under the guidelines of the rules, should we make this deviation at this juncture ? That is my point. I have no objection to any discussion under Rule 167. I have no objection to any discussion under Rule 251. But is it necessary to link these two by raising this objection ? Let not anybody feel that we are scuttling the discussion. No, not at all. If we are scuttling the discussion the Govern-ment would not have come with the statement at all. It is open. Even the Government is prepared to convert it into a short-diiration-discussion. We want a threadbare discussion. We have discussed it several times. We will discuss it several times. What is democracy ? Democracy means discussion by exchange of views. We have to respect the views of all. My limited point is about conducting the procedure of this House. Rule 251 says about the *suo motu* statement. The Minister has not sought any approval of this House. So, the question of a disapproval motion does not come into the picture. It is only a statement.

श्री संघ प्रिय गौतम : मैं सुबह से समय मांग रहा हूँ । मैं इस पर बोलना चाहता हूँ ।

'. am also a lawyer.

THE DEPUTY CHAIRMAN : Nobody s disapproving the fact that you are a awyer. Everybody approved it. I will :all you. Let me go one by one. Let him finish.

SHRI SANGH PRIYA GAUTAM : Madam, since morning I have been praying.

THE DEPUTY CHAIRMAN : I know that. Nobody is denying it. I will allow you. Until and unless I hear everybody, I am not going to close this subject. I will listen to you. You are a very disciplined Meimber

SHRI ASHOK MITRA (West Bengal) : Madam, ...

THE DEPUTY CHAIRMAN : Mr. Mitra, one minute. Let him finish.

SHRI H. HANUMANTHAPPA: Madam, I want your consideration and indulgence on the issue of procedure. We have not yet started the discussion. I felt very bad when I heard" from" my

friends from the Opposition saying thai the sovereignty of this country was sold. *(Interruptions).*

SHRI ASHOK MITRA: Madam, ...

SHRI MD. SALIM : Madam, ... *(Interruptions).*

SHRI V. NARAYANASAMY (Pondicherry) : Madam, .. *(Interruptions).*

DR. BIPLAB DAS GUPTA : Madam, . . . *(Interruptions).*

THE DEPUTY CHAIRMAN : Please. *(interruptions).* He is only reacting to it. He is not making a *suo motu* statement. Somebody mentioned it in the House and he is only reacting to that. That is all. Why should you object to it ? *(Interruptions).* You can speak. I will allow you.

SHRI H. HANUMANTHAPPA : I would not have touched on this subject, if Mr. Baby and other friends had not taken it up. The Congress Party which fought for the independence of this country .....

SHRI S. JAIPAL REDDY : Which Congress Party ? *(Interruptions).*

THE DEPUTY CHAIRMAN : Please have some patience. *(Interruptions).*

SHRI H. HANUMANTHAPPA : Mr. Jaipal Reddy, kindly listen to me. *(Interruptions).* The Congress Party won when Mr. Jaipal Reddy was in the Congress Party. *(Interruptions).* But that Congress Party does not want to take lessons from the * *(Interruptions).*

SHRI SIKANDER BAKHT : Mr. Hanumanthappa, will you please yield for a minute? *(Interruptions).*

SHRI H. HANUMANTHAPPA : Mr. Mitra, listen to me. You converted imperial war as people's war. Why? *(Interruptions).*

SHRI ASHOK MITRA : Madam, ... *(Interruptions).*

SHRI MD. SALIM : What does he want to say? *(Interruptions).*

*Expunged as ordered by the Chair.

DR. BIPLAB DAS GUPTA : Madam, . . . *(Interruptions).*

SHRI GURUDAS DAS GUPTA : Madam, please don't allow Members to insinuate . . . *(Interruptions).*

SHRI V. NARAYANASAMY : It was Mr. Gurudas Das Gupta who . . . *(Interruptions)* .

SHRI GURUDAS DAS GUPTA : I hope you will understand the distinction between . . . *(Interruptions).*

SHRI V. NARAYANASAMY : Shri Gurudas Das Gupta wanted to derail the whole discussion. *(Interruptions).*

SHRI SIKANDER BAKHT : Mr. Hanumanthappa, will you yield for a minute ? When you were mentioning about the Congress Party, Mr. Jaipal Reddy asked, "Which Congress Party ?" Probably you are talking of that Congress Party which was buried in 1969.

श्री एस० एस० अहलुवालिया (बिहार) : गांधी जी की हत्या हुई तब से है. . . . (व्यवधान) आप कांग्रेस को कल्चर सिखाना चाहते हैं ? . . . (व्यवधान)

श्री दिग्विजय सिंह (बिहार) : सिकन्दर बख्त साहब तो बहुत बाद में आए है (व्यवधान)

DR. BIPLAB DAS GUPTA: Mr. Hanumanthappa, Congress was not a party before independence. It was a platform you don't belong to that platform. It was a national platform .. . *(Interruptions)* . . . Mahatma Gandhi wanted that the party should be wound up ... *(Interruptions)* . . . We don't want to hear it from you . . . *(Interruptions).*

SHRI V. NARAYANASAMY : Your leader said that he wanted to retire from politics. You allow him to retire . . . *(Interruptions).*

DR. BIPLAB DAS GUPTA: We are not prepared to listen to his speech . . . *(Interruptions)*

THE DEPUTY CHAIRMAN : The main subject is with regard to discussion . . . *(Interruptions)* Mr. Hanumanthappa, will you please finish your point of order relating to the discussion ? *(Interruptions)*

DR. BIPLAB DASGUPTA: He should come back to his senses. If he wants to

make a provocative statement, we will not allow it . . . *(Interruptions)* He should not be allowed to make such statements . . (*Interruptions)*

THE DEPUTY CHAIRMAN : I am sorry that the Members are going beyond the purview of the discussion which we should have. So, please come back to that . . *(Interruptions)*

DR. BIPLAB DAS GUPTA: Madam, Deputy Chairperson, we are functioning in Parliament under the purview of the Constitution; so also are these people. What right have they got to question our patriotism ? *(Interruptions)* If he wants to refer to history, then we are prepared to have a proper discussion on it *(Interruptions)*

THE DEPUTY CHAIRMAN : I cannot hear. Let h'm finish and I will call you then . . *(Interruptions)*

SHRI H. HANUMANTHAPPA : Madam, I do not know when Dr. Biplab became the grandson of Mahatma Gandhi *(Interruptions)* I know history . . (*Interruptions)*

DR. BIPLAB DAS GUPTA : Have you read the Indain history ? *(Interruptions)*

SHRI H. HANUMANTHAPPA : 1 don't want to learn from you ..

THE DEPUTY CHAIRMAN : We are not discussing history, please . . *(Interruptions)*

THE DEPUTY CHAIRMAN : Order . . *(Interruptions)* We are not in a history class . . *(Interruptions)* Mr. Hanumanthappa, will you move from wherever you are ? You finish so that I can cal some- cthrr Member . . *(Inter-rupt'oti!,)*

SHRI H. HANUMANTHAPPA : Madam, probably, Mr. Salim, Mr. Baby and Mr. Das Gupta were not bom at all at that f'me. . . *(Interruptions)* That is why they do not know about history . . *(Interruptions)*

THE DEPUTY CHAIRMAN : Mr. Narayanasamy, please . .. *(Interruptions)* I do not know what, happened ,... . *(Interruptions) runtions)*

SHRI MD. SALIM : Madam, are you going to allow him to continue to like this ?

THE DEPUTY CHAIRMAN : I should not allow anybody to continue. I think I should allow you to sit down .. *(Interruptions)* Mr. Hanumanthappa, your point is over. Now we are not discussing a communal issue . . *(Interruptions)*

DR. BIPLAB DAS GUPTA : Having sold our country's sovereignty to the Americans, you are talking about patriotism ! *(Interruptions)*

SHRI MD. SALIM : He is being summoned by the Americans and he is going to oblige . . *(Interruptions)*

THE DEPUTY CHAIRMAN : Mr. Hanumanthappa, is it over ? *(Interruptions)* What do you want to say ?

SHRI H. HANUMANTHAPPA : I have not been allowed to speak .. *(Interruptions)*

SHRI MD. SALIM : For the last half an hour, he has been speaking ..

THE DEPUTY CHAIRMAN : Not half an hour . . *(Interruptions)*

SHRI MD. SALIM : My precise question is, under what r"le, did he raise his point of order ? Let him first mention the rule . . *(Interruptions)*

SHRI SURESH KALMADI : You have also raised many points of order. Did you ever quote the rule ? *(Interruptions)*

THE DEPUTY CHAIRMAN : You please co-operate with the Chair. At 4 o'clock, I have to go for the Business Advisory Committee meeting. Please be very, very brief.

SHRI H. HANUMANTHAPPA : I can be brief if there are no interruptions.

THE DEPUTY CHAIRMAN : If you are brief, I will assure you that.

SHRI H. HANUMANTHAPPA : I have only said that the Congress does not want to learn lessons from the *

SHRI MD. SALIM : Madam, what is this?

*Expunged as ordered by the Chair.

DR. BIPLAB DAS GUPTA: Madam, I want to ask a simple question : What are we discussing ?

SHRI GURUDAS DAS GUPTA : Madam, I am on a point of order ... *(Interruptions)* . . .

SHRI S. JAIPAL REDDY: Madam, you expunge whatever is related to motives.

SHRI GURUDAS DAS GUPTA : Madam, if a Member of the House casts aspersions on the patriotism of another Member by saying that he is not prepared to listen to the speeches of the* it is the end of the day, it is the end of democracy. He must withdraw the remark. Fie must withdraw the remark .. *(Interruptions)* . .

SOME HON. MEMBERS : We will not allow till he withdraws his remark.

SHRI MD. SALIM : He should apologise to the House. You must expunge those remarks . . *(Interruptions)* . . We are also not here to listen to Mr. Hanumanthappa above. They want to sidetrack us . . *(Interruptions)* . .

SHRI V. NARAYANASAMY : The Chief Minister of West Bengal is getting funds from the United States. You say that. Then I will accept your point.

SHRI MD. SALIM : You are selling the country's economic sovereignty in Marrakesh.

SHRI GURUDAS DAS GUPTA: I have raised a point .of order that no Member of the House can cast aspersions on the *bona fides,* on the honesty and on the question of the integrity of the other Members of the House. But he has dene it ... *(Interruptions)* . . .

SHRI MD. SALIM : For the sake of a few dollars, for the sake of some kickbacks, you are going. Now you people are talking about our patriotism. Your Commerce Minister cannot reply to a question without a telephone call from America.

DR. BIPLAB DAS GUPTA: Madam, we cannot allow this non-sense to continue. The comment made must be expunged.

THE DEPUTY CHAIRMAN : Will you all please sit down ? Mr. Salim, will you go back to your seat ?

बैठिये . . . आप भी अपना स्थान ग्रहण करिए । Mr. Narayanasamy, will you please sit down ?

SHRI V. NARAYANASAMY : How can I, Madam ? They are saying that the Government has mortgaged the country.

THE DEPUTY CHAIRMAN : The problem is that since morning, I am trying to regulate the House and trying to regulate the Members .. (*Interruptions)* .. Mr. Gupta, please have patience. The problem is that since morning, I am trying to start some kind of a discussion, in whichever form you may like, and the Minister is here. We have wasted so much time without that discussion.

AN HON. MEMBER: We have not wasted.

THE DEPUTY CHAIRMAN: If you think that we have not wasted the time, we can continue. If this is the view that we have not wasted the time, fine. Now, I will allow Mr. Ashok Mitra to say what hie wants to say.

SHRI GURUDAS DAS GUPTA: Madam, I want a ruling on my point of order. His comment must be expunged.

DR. BIPLAB DAS GUPTA : He must apologise. He must withdraw his comment. The hon. Member has to withdraw his comment. If the comment is not withdrawn, we cannot allow . . *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Hanumanthappa, did you mean any dishonour to any Member of this House ?

SHRI H. HANUMANTHAPPA: No.

THE DEPUTY CHAIRMAN: If you have, then please apologise.

SHRI H. HANUMANTHAPPA: No, Madam. I am entirely in your hands, in the hands of the Chair. If anything is un-parliamentary, you have every right to ex-punge it. I did not make any personal insinuation against anybody.

*Expunged as ordered by the Chair.

THE DEPUTY CHAIRMAN: I am only asking: Did you in your speech say any derogatory word against any Member of this House?

SHRI H. HANUMANTHAPPA : No.

SHRI MD. SALIM: The record is there, Madam.

THE DEPUTY CHAIRMAN: I will look into the record . . *(Interruptions)* I assure you that if Mr. Hanumanthappa has meant any dishonour to any Member of this House, I will look into the record and expunge it. You should have trust In me ... *(Interruptions).*

SHRI GURUDAS DAS GUPTA: Madam, I have raised a specific point: Can a Member, while speaking in the House, say that he will not listen to* What does it mean ? We are discussing this. If he speaks like this ... *(Interruptions).*

SHRI H. HANUMANTHAPPA: Madam, if I say that I do not want to take lessons from the* what is wrong ? If I say that I do not want to take lessons from across the country, I do not want to take lessons from the* what is wrong with it ? How does it mean that I am accusing any Member of this House ? I am not accusing any Member of this House. *(Interruptions).*

THE DEPUTY CHAIRMAN: Just a minute, please. All the Members of this House are patriotic to this country. And if any derogatory remark in regard to the patriotism of any Member of this House is being made on the floor of the House, I will not permit it. And if it is made, which I have not noticed, I will look into the record and remove it. And so, you should be rest assured now. *(Interruptions).* You have trust in me, please. Okay?

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : मैडम, वाणिज्य मंत्री यह कहते हैं कि मैंने स्वयं बयान दिया है और माननीय सदस्य कह रहे है कि स्वयंमेव यह बयान है, मैं यह कहता हूँ कि यह सुओ मोटो स्टेटमेंट नहीं है, यह स्वयंमेव बयान नहीं है । 15 तारीख को सारे देश के लोगों ने इस ट्रीटी का विरोध किया और उसके बाद विरोध करते रहे हैं । अगर यह सुओ मोटो बयान होता तो सदन कल प्रारम्भ हुआ था, यह कल होता । कल की कार्यावली में शामिल होता । सारे सदन ने मंत्री महोदय को विवश किया ... (व्यवधान) इसलिए विवश हो करके हमारी डिमांड पर इन्होंने बयान दिया है । यह सुओ मोटो बयान नहीं है ।

Every action is to be judged by intetion;

इस बयान के पीछे नीयत क्या है ? नीयत यह है कि... (व्यवधान) गैर समझौते को विपक्षीदल अनुचित बता रहे हैं मगर सरकार इसको औचित्यपूर्ण ठहराती है । इसलिए यह बयान दिया है ।

श्री दिनेशभाई त्रिवेदी (गुजरात) : इस बयान के पीछे क्या है ?

श्री संघ प्रिय गौतम : मैडम, हमने डिसएप्रूव किया है कि इसके पीछे सरकार की नीयत समझौते प्रूव कराके की है । (व्यवधान) इस बयान को इसलिए हमने डिस्एप्रूव किया है और डिस्एप्रूवल मोशन पेश किया है ।

श्री सिकन्दर बख्त : सदर साहिबा, जिस वक्त फुल डिस्कशन चल रहा था, हमारे हनुमनतप्पा साहब की खिदमत में मुझे एक बात कहनी है । वह अन पार्लियामेंटरी नहीं है बल्कि दिलचस्प है कि, "भुस-में चिंगारी डाल, जमालो दूर खड़ी ।" तो खड़े हैं आप ।

شری سکندر بخت : صدر صاحبہ جس وقت فل ڈسکشن چل رہا تھا ہمارے ہنومن تھپہ صاحب کی خدمت میں مجھے ایک بات کہنی ہے - وہ ان پارلیمنٹری نہیں ہے بلکہ دلچسپ ہے "بھس میں چنگاری ڈال جمالو دور کھڑی ۔" تو کھڑے ہیں آپ -

श्री जगदीश प्रसाद माथुर : मैडम, हमारे हनुमनतप्पा जी "जमालो" है, यह तो हद हो गई । . . . (व्यवधान)

उपसभापति : माथुर साहब, यह तो अपनी-अपनी निगाह की बात है ।

* Expunged as ordered by the Chair.

श्री जगदीश प्रसाद माथुर : मैडम, "जमालो" होती है म्यूटीफुल लेडी ।

THE DEPUTY CHAIRMAN : Mr. Hanumanthappa, I have to call Mr. Ashok Mitra and some other Members. Mr. Ashok Mitra, he will finish in one minute. It is better. Let the tension be over.. .

(व्यवधान) . . .

प्रो० विजय कुमार मल्होत्रा (दिल्ली) : यू० पी० में तो आप उस गवर्नमेंट को सपोर्ट कर रहे है जोकि गांधी को गाली दे रही है ।

SHRI H. HANUMANTHAPPA : Having said so, Congress Party is one organisation which has made sacrifices for throwing away the yoke of imperialism. Unfortunately, today, all those people* who did not co-operate ... *(Interruptions)*

SHRI K. R. MALKANI (Delhi): Nobody has done it. Nobody here hated Gandhiji. Why is he making these allegations? Who is he to make these wild allegations ? *(Interruptions)*

SHRI H. HANUMANTHAPPA : Who is objecting to taking the name of Gandhiji ? Who are you ? I have every right to take the name of Gandhiji but * and you object to taking his name. Mind your language . . . *(Interruptions)*

SHRI K. R. MALKANI: *The killers of Gandhiji were hanged. The killers of Gandhism are adorning the Treasury Benches. You are opposed to even Swadeshi. *(Interruptions)*

DR. BIPLAB DASGUPTA : He is delivering his speech in episodes. How many episodes is he having ?

SHRI MD. SALIM: He has 52 episodes.

SHRI K. R. MALKANI: * He might have 420 episodes to nerrate.

SHRI H. HANUMANTHAPPA : I have hundreds and thousands. I have a number of episodes.

DR. BIPLAB DAS GUPTA : He is conceding, Madam.

THE DEPUTY CHAIRMAN: Mr. Hanumanthappa, will you please conclude ?

SHRI JIBON ROY: He is trying to sabotage the discussion.

SHRI H. HANUMANTHAPPA: Madam, *I* want to say . . .

SHRI K. R. MALKANI: How long is he going to speak? How much time has been allotted to him?

THE DEPUTY CHAIRMAN: I have asked him to sit down. Mr. Hanumanthappa, will you please conclude?

SHRIMATI JAYANTHINATARAJAN: Madam, he has called another Member of the House a * Mr. Malkani has called him. * Let him apologise.

श्री अनन्तराय वेषशंकर दवे० : (गुजरात) : गलत मत बोलिए, यह नहीं कहा है । . . . **(व्यवधान)** . . .

श्री एस० एस० अहलुवालिया : मैडम, उनसे कहिए कि माफी मांगे । उनको अभी सदन की परंपरा का पता नहीं है कि सदन की परंपरा क्या होती है ?

श्री दिलीप सिंह जूदेव (मध्य प्रदेश) : सदन की परंपरा क्या होती है, आपको पता है ? *. . . **(व्यवधान)** . . .

श्री एस० एस० अहलुवालीया : आप तो साफ हो गए प्रदेश में । . . . **(व्यवधान)** . . .

श्री दिलीप सिंह जूदेव : देश को बेचने में शर्म नहीं आती है ?

श्री एस० एस० अहलुवालिया : मैडम, मि० मलकानी ने* कहा है, वह अल्फाज* वापिस लें । यह अल्फाज वह वापिस लें । . . . **(व्यवधान)** . . .मि० मलकानी ने कहा है ।

THE DEPUTY CHAIRMAN: I will look into the record.

SHRIMATI JAYANTHI NATARAJAN: I let him apologise.

श्री एस० एस० अहलुवालिया : यह अपने अल्फाज वापस लें, नहीं तो खड़े होकर कहें कि इन्होंने नहीं कहा है ।

SHRI V. NARAYANASAMY : Madam, (he Leader of the Opposition could advise him . . . *(Interruptions)*

THE DEPUTY CHAIRMAN : I do not expect a senior person like Mr. Malkani to say such a thing. Did he say that? *(Interruptions)* Mr. Malkani, somebody has heard. They say that you said something

against Mr. Hanumanthappa. Did you say that?

SHRI K. R. MALKANI: Madam, let me be very candid about it. My friend Mr. Salim, said that he is having 52 episodes on this. I said that he might be having 420 episodes to narrate. This is all I said . . . *(Interruptions)*

SHRI S. S. AHLUWALIA: He should withdraw the remark.

श्री विष्णु कांत शास्त्री : हनुमनतप्पा जी ने कहा है । वह लांछन लगाते रहे । . . . (व्यवधान)

श्री एस० एस० अहलुवालिया : महोदया, हनुमनतप्पा जी ने कहा कि स्वतंत्रता संग्रह में हिस्सा नहीं लिया, तुम नहीं जानते हो । . . . (व्यवधान) . . . उन्होंने कहा कि तुम नहीं जानते और वह कहते है कि * हैं ।. . . (व्यवधान) . . .

SHRI SURESH KALMADI: This is unparliamentary . . . *(Interruptions)*

SHRI S. JAIPAL REDDY : The Cong-ress Members are trying to hijack the House, just to divert the attention of the House from the main subject *(Interruptions).*

श्री विष्णु कांत शास्त्री : मैडम, आपने कहा कि आप रिकार्ड देखेंगी, आप देख लीजिए और जो आपको गलत लगे निकाल दीजिए, लेकिन इन पर भी कुछ नियंत्रण होना चाहिए जो बराबर लांछन लगा रहे हैं । इन पर भी नियंत्रण होना चाहिए, मैडम, . . . (व्यवधान) . . .

THE DEPUTY CHAIRMAN : I have to find out. The Member has said something. Mr. Malkani is a senior person. He has clarified it. But in regard to what ha said, I have to look into the record to find out in which context it was said. It is not proper. Hon. Members should not make such remarks. I have told Mr. Hanumanthappa also that he should not make any derogatory remarks against any Member. *(interruptions')*

SHRI SURESH KALMADI: He has not said anything.

THE DEPUTY CHAIRMAN : Personal views about different things are different. *(Interruptions')*

* Expunged as ordered by the Chair.

SHRI SURESH KALMADI : Madam. please do not equate both the things. He has not said anything. Mr. Hanumanthappa is innocent.

श्री एस० एस० अहलुवालिया : मैडम, यह रिकार्ड देखने की बात नहीं है । जब वह कह रहे हैं तो उनको अपने अलफाज वापस लेने चाहिए । . . . (व्यवधान) . . .

श्री विष्णु कांत शास्त्री : जो अधिकार सब को प्राप्त हैं, वही सत्तापक्ष को भी होना चाहिए । उनके बारे में क्या आप छूट छोड़ देंगे कि वह बोलते चले जाएं घंटा भर । . . . (व्यवधान)) . . .

उपसभापति : देखिए, एक बात मैं आपको साफ तरीके से बताऊं कि आप चाहे अपोजीशन के मेम्बर हों चाहे रूलिंग पार्टी के, यह आपको कोई हक नहीं है कि आप चेयर पर लांछन लगाएं । मैंने किसी को प्रोटेक्शन नहीं दी है । . . . (व्यवधान) . . . आप बैठिए । बैठिए प्लीज । आप भी अपने हद के दायरे में रहिए तो ज्यादा बेहतर है । आप अपने गुस्से को चेयर पर उतारने की कोशिश न करें तो अच्छा होगा । . . . (व्यवधान) . . .

SHRI SURESH KALMADI: Mr. Malkani should withdraw his remark.

THE DEPUTY CHAIRMAN: 1 told hon. Member, Mr. Hanumanthappa. When he said something and when the Members trom the Left were agitated over it, I asked him whether he said anything derogatory against any Member. He said that he did not say any such thing. He said that he did not mention anything. It is his view. He has every right to express his views just as the other Members have the right to express their views and feelings. Now, the point is, how long can he speak; how long should a Member speak. That is a different point I respect all the Members equally. The dignity and respect of all the Members is equal to me. Now, let us go back to the main subject which we are discussing *(Interruptions)*

SHRI SURESH KALMADI: Madam, is he withdrawing his remark ? *(Interruptions).* He should withdraw the remark. In the history of Parliament, such a thing has not gone on record. *(Interruptions:)*

*Expunged as ordered by the Chair.

SHRI MD. SALIM: Yesterday, there were two Members from the treasury benches. Now, there are four Members. They want to avoid the discussion. Madam, you please tell them to sit down. They cannot hold the House to ransom. What happened yesterday? They did not have support from their own party. When we met for the second time, there was no Member from the ruling party. When we adjourned yesterday, there was no Member from that side. Today, they want to hold the House to ransom. They want to avoid the discussion. . .*(Interruptions)*. . . You people are holding the House to ransom the whole day.. .*(Interruptions)* ... What do you think of yourselves ? To protect their Minister they are avoiding a discussion. . . *(Interruptions)*

SHRI SURESH KALMADI: If the Member does not agree to withdraw his remarks, you should at least expunge it from the record. We cannot have round figures on the record of the House . .. *(Interruptions)* . . .

SHRI MD. SALIM : You said that Mr. Malkani said . Mr. Kalmadi re-peated If you want to refer to Mr. Hanumanthappa as, *(Interruptions)* . . . He said, episodes. . . *(Interruptions)* . . . You want to make it*.

श्री एस० एस० अहलुवालिया : मिस्टर मलकानी अपने शब्द वापिस ले . . . **(व्यवधान)** . . . इस सदन में हमें भी रहना है . . . **(व्यवधान)** . . .

THE DEPUTY CHAIRMAN : Let me first find out. What did he say? I did not hear it?

उन्होंने हिन्दी में कहा था कि अंग्रेजी में कहा था ?

श्री सुरेश कलमाडी : हिंदी में कहा ।

Madam, the least you can do is expunge it from the record ... *(Interruptions)*...

SHRI P. UPENDRA (Andhra Pradesh) : Madam, on a point of order.

SHRI V. NARAYANASAMY: Madam, on a point of order. Mr. Malkani made remarks against Hanumanthappaji *(Interruptions)* . . .

*Expunged as order by the Chair.

श्री कृष्ण लाल शर्मा (हिमाचल प्रदेश) मैडम, जब आपने एश्योरेंस दे दिया है, उसके बाद भी वह बात उठा रहे हैं तो आप इस बारे में नोटिस लीजिए न ।

You have given the assurance that you will look into it ... *(Interruptions)* .,.

SHRI V. NARAYANASAMY: Madam. let us settle this point.

SHRI SURESH KALMADI: Madam, we cannot have it on record. At least you should expunge it from the record.

THE DEPUTY CHAIRMAN: As promised, I wiii look into the record.

श्री एस० एस० अहलुवालिया : जब सदस्य ने खुद स्वीकार किया है . . . **(व्यवधान)** . . . दुर्भाग्यपूर्ण बात यह है कि जब हनुमनतप्पा जी कह रहे थे कि गांधी जी ने . . . **(व्यवधान)** . . .

[श्री ओम प्रकाश कोहली (दिल्ली) : मलकानी जी ने यह बात स्वीकार नहीं की है, आप गलत बात कह रहे है, . . . **(व्यवधान)** . . . आपने उनको सुना नहीं है, आप गलत बात कह रहे है . . . **(व्यवधान)** . . . मलकानी जी ने यह बात स्वीकार नहीं की है . . . **(व्यवधान)** . . .

श्री एस० एस० अहलुवालिया : कोहली जी, बैठ जाइए । आप नथ्थू राम गोडसे का . . . **(व्यवधान)** . . .

उपसभापति : मिस्टर अहलवालिया, बैठ जाइए. I will look into the record.

प्लीज, बैठ जाइए . . . **(व्यवधान)** . . . इतना गुस्सा मत कीजिए । आप कुछ कहना चाहते हैं मलकानी जी ? . . . **(व्यवधान)** . . . वह कुछ कह रहे हैं, सुन लीजिए ।

-SHRI K. R. MALKANI: Madam Deputy Chairman, I have a feeling that the Government side . . . *(Interruptions)*

THE DEPUTY CHAIRMAN: Let us hear him.

SHRI K. R. MALKANI: Madam, I have the distinct feeling that the Members opposite are not interested in a serious discussion on this issue, they do not want a vote on the subject. They are making all sorts of allegations, to divert attention and prevent any serious discussion of issues. .. . *(Interruptions)* ...

THE DEPUTY CHAIRMAN: I will look into the record—leave it to me. . . *(Interruption!,)* . . . You trust me—I will look into the record.

SHRI SURESH KALMADI: He has repeated it. At least, take out the numbers from the record just now.

THE DEPUTY CHAIRMAN: Okay, I remove it from the record. We are going to sit the day after tomorrow and the Members are going to be here . . . *(Interruptions)* . . . Okay. Sit down. Sit down. Sit down. Let me say that if there is anything in the House, every time I sit and look at the record thoroughly. So, have trust in me. At least I am not going to allow any derogatory remark against any Member. Please sit down. . . *(Interruptions)* I have to look at the figure, what it is. All right okay . . . *(Interruptions)*

SHRI P. UPENDRA: I am on a point of order . . . *(Interruptions)*

THE DEPUTY CHAIRMAN: Okay, okay, all right . . . *(Interruptions)* . . . All right. Now please sit down.

SHRI P. UPENDRA : 1 want to make a submission . . . *(Interruptions)*

THE DEPUTY CHAIRMAN: What is it now?

SHRI SURESH KALMADI: It is a question of reputation of this House. Never has this figure since independence come on the records of this House. ... *(Interruptions).* They want to create a record by bringing this figure on the record of this House. I want them to apologise for it, but they are not apologising for it. The least that we can do is to remove it from the record.

SHRI GURUDAS DAS GUPTA: Madam, I appeal to the Leader of the Opposition . . . *(Interruptions)*

THE DEPUTY CHAIRMAN : I will do it. All right.

श्री सिकन्दर बख्त : मैं खाली यह कहना चाहता हूँ आप जानती हैं कि मैं यह अल्फ़ाज़ के सिलसिले की बहस कभी पसंद नहीं करता । मैं कोशिश करता हूँ कि अल्फ़ाज़ वापिस ले लूं । माफी मांगने से किस्सा खत्म होता है तो माफी मांग लूं । एक सिफ अफसोस-जनक बात है, या तो कोई अल्फ़ाज़ अनपार्लियामेंट्री होना चाहिए, या अगर सिर्फ कोनोटेशन की बात है तो दोनों तरफ से उसको मंजूर करना चाहिए अगर कोनोटेशन आए । मैं सिर्फ यह कहना चाहता हूँ कि अगर आप मेरी पार्टी के किसी मेंबर की कही बात के बारे में महसूस करते हैं कि लफ्ज़ पार्लियामेंट्री हो या अनपार्लिमेंट्री हो उसको कोनोटेशन गलत हो, मैं वापिस लेने के लिए तैयार हूँ । पर, मैं चाहता हूँ कि यहां लीडर आफ दि हाऊस तशरीफ रखते हैं, अपने मेंबर की कही हुई बात को वे वापिस लें खड़े होकर ।. . . . (व्यवधान)

†شری سکندر بخت : میں خالی یہ کہنا چاہتا ہوں آپ جانتی ہیں کہ میں یہ الفاظ کے سلسلے کی بحث کبھی پسند نہیں کرتا۔ میں کوشش کرتا ہوں کہ الفاظ واپس لے لوں معافی مانگنے سے قصہ ختم ہوتا ہے تو معافی مانگ لوں۔ ایک صرف افسوسناک بات ہے یا تو کوئی ان پارلیمنٹری لفظ ہونا چاہیئے یا اگر صرف کا نوٹیشن کی بات ہے تو دونوں طرف سے اس کو منظور کرنا چاہیئے۔ اگر کونا ٹیشن آئے۔ میں صرف یہ کہنا چاہتا ہوں کہ اگر آپ میری پارٹی کے کسی ممبر کی کہی بات کے بارے میں محسوس کرتے ہیں کہ لفظ پارلیمنٹری ہو یا ان پارلیمنٹری ہو اس کو کونا ٹیشن غلط ہو۔ میں واپس لینے کے لئے تیار ہوں۔ پر میں چاہتا ہوں کہ یہاں "لیڈر آف دی ہاؤس" تشریف رکھتے ہیں اپنے ممبر کی کہی ہوئی بات کو وہ واپس لیں کھڑے ہوکر . . . "مداخلت" . . .

†[ ] Transliteration in Arabic script

SHRI SURESH KALMADI: No. This is conditional.

श्री सिकन्दर बख्त : यह बात क्या हुई । यह एकतरफा बात नहीं हो सकती । यह जो बुलडोजिंग नेता है इनका, कि एक तरफ तो खड़े हुए हैं, जबर्दस्ती है इनकी कि ये जो कुछ कहें, हुकम माना जाए उनका । वह हुकम बिल्कुल नहीं माना जाएगा । क्या मतलब हुआ इसका । कोई हद और इंतहा होती है । क्या बात हुई ... (व्यवधान)

شری سکندر بخت : یہ بات کیا ہوئی۔ یہ ایک طرفہ بات نہیں ہو سکتی۔ یہ جو بلڈوزنگ نیتا ہے ان کا کہ ایک طرف تو کھڑے ہوئے ہیں۔ زبردستی ہے اُن کی کہ وہ جو کچھ کہیں حکم مانا جائے اُن کا وہ حکم بالکل نہیں مانا جائے گا۔ کیا مطلب ہوا اس کا۔ کوئی حد اور انتہا ہوتی ہے۔ کیا بات ہوئی ... "مداخلت" ...

SHRI SURESH KALMADI: Madam, this figure has to be expunged from the record.

SHRI S. JAIPAL REDDY : Madam, are we to discuss it or not?

THE DEPUTY CHAIRMAN : Wa are to go ahead.

SHRI S. JAIPAL REDDY: Tomorrow?

THE DEPUTY CHAIRMAN: Tomorrow is a holiday.

SHRI S. JAIPAL REDDY: Or the day after tomorrow? How can the Minister be both in this House and that House also the day after tomorrow? Therefore, I don't know what they are trying to do?. . (*Interruptions)*

THE DEPUTY CHAIRMAN : I have to call Shri Ashok Mitra.

श्री एस० एस० अहलुवालिया : मैडम . . .

SHRI S. JAIPAL REDDY: Why are you discussing this non-issue ?

श्री एस० एस० अहलुवालिया : सिकन्दर बख्त साहब ने जो बात कही, मैं पूरी तरह उनके साथ सहमत हूँ । इस सदन में शायद इसकी शुरुआत न होती । हनुमनतप्पाजी इस सदन के बहुत ही सोबर मेंबर हैं । ... (व्यवधान) आप लोग जो नए हैं, वह जानते नहीं उनके बारे में, इसलिए ठहाके लगा रहे हैं । हनुमनतप्पा जी, कभी भी ऐसे टैम्पर लूज नहीं करते हैं और न कभी ऐसी बात करते हैं । परन्तु आज इसकी शुरुआत बेबी जी ने की । अगर बेबी जी ने ऐसी बात नहीं उठाई होती तथा उन्होंने ऐसी-ऐसी बातें कही जिससे कि एक दूसरे का दिल दुखता है और जब दिल दुखता है तो बातें जरूर सामने आती हैं । सदन में अगर कोई परम्परा या शांतिप्रिय वातावरण में कोई काम करने का तरीका अपनाना है तो हमें ऐसी कोई बात नहीं कहनी चाहिए जिससे एक दूसरे के दिल में चोट लगे ... (व्यवधान) बेबी जी ने एक सवाल उठाया था । बेबी जी, अपने अलफ़ाज वापिस ले लें, हनुमनतप्पा जी, अपने अलफ़ाज वापिस ले लें, कोई दिक्कत नहीं है ।

THE DEPUTY CHAIRMAN: Order please.

श्री एस० एस० अहलुवालिया : कांग्रेस को देशभक्ति की वह शिक्षा देने लगे तभी ये सब बातें उठीं कि हमें शिक्षा किससे लेनी चाहिए ... (व्यवधान) ये बातें उठीं क्यों है ? यह शुरुआत किसने की है ? उस वक्त ये सदस्य नहीं सुन रहे थे, उस वक्त कोई सदस्य नहीं सुन रहा था कि बेबी जी क्या कह रहे थे और जब बेबी जी ने कह दिया और जब उसका जवाब आया तो सारे तड़पने लगे .... (व्यवधान)

THE DEPUTY CHAIRMAN: I now want to call Mr. Ashok Mitra.

SHRI M. A. BABY: Madam, I did not say anything that should be withdrawn. I do not know.

THE DEPUTY CHAIRMAN: O.K. That is my decision. I will look into the record.

SHRI ASHOK MITRA : I have a very frail voice and . . . *(Interruptions')*

THE DEPUTY CHAIRMAN: What is the last sentence? What is it?

श्री एच० हनुमंतप्पा : मैडम, स्वतंत्रता संग्राम के इतिहास में ऐसे सैकड़ों ऐपीसोड है । सैंतालीस बरस से जब हम लोग बैठकर ये बातें सुनते है तो उनके दिलों में चुभती है ।

SHRI S. S. AHLUWALIA : The whole House supports Mr. Hanumanthappa.... *(Interruptions)*

THE DEPUTY CHAIRMAN: Everybody spoke since morning. I think we have not yet reached any conclusion.

SHRI ASHOK MITRA: Madam, I have a very frailvoice. So I cannot compete in raising extraneous issues. So, I will concentrate on the matter which is before us, which is very specific and narrow.

SRHI SURESH KALMADI: Madam, this should be withdrawn. How can he say all that ? *(Interruptions)*

SHRI MD. SALIM: Have you imposed emergency in the House?

SHRI S. JAIPAL REDDY : Madam, you adjourn the House. The ruling Congress Party Members are not interested in a fruitful discussion. You adjourn the House
We cannot *keep* on.....

THE DEPUTY CHAIRMAN: the problem is that two or three people keep on speaking *together.* I cannot understand when two people are speaking together. So, I cannot give my ruling. That is why I request the Members to speak quietly, to be brief and allow the other person to speak. 1 have been trying that, but if three or four people speak together, I do not hear what ore has said to the other. Then you ask me to give my ruling. For what, I do not know. It is entirely up to the House.

SHRI ASHOK MITRA: Madam, we have a very narrow and sepcific issue before us : whsther a motion on the *suo motu* statement nr;de by the Minister can be allow:J or no'. Now, he has made the statement under rule 251. All it says is that no questions shall be asked at the time the staesment is made. I did not ask any question. Nobody asked. But the issue is whsther this rule does rule out a motion on the statement.

Then we come to rules 167, 168 and 169. Rule 167 asks: Is it a matter of public importance of course, it is. Otherwise the Minister could not have moved a Motion under Rule 252. Therefore, a motion, which, for example, I have submitted to the Secretary-General disapproving the Minister's *suo motu* statement, according to my view conforms to Rule 167. Then Rule 168 says: Notice of a motion shall be given in writing addressed to the Secretary-General. Yes, I have given it in writing. Then Rule 169 says: "In order that a motion may be admissible it shall satisfy the following conditions, namely :—

(i) it shall raise substatially one de finite issue Yes, the issue is the *suo motu* Statement of the Minister.

(ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements."

No, Madam, I have not used any of these. I have not used any of this. It was a single sentence motion, it was a very bland motion, "(iii) it shall not refer to the conduct or character of persons except in their public capacity;" I have not made any such mention, "(iv) it shall be restricted to a matter of recent occurence" It is restricted to a matter of recent occurrence, that is, the Minister's statement which was made only two hours ago. Certainly, it was a very recent event, "(v) it shall nnt raise a question of privilege." It dose not raise any matter of privilege, "(vi) it shall not revive discussion of a matter which has been discussed in the same session;" No. The Ministers statements was made only two hours ago. Obviously it was not discussed earlier in this session. Finally, "(vii) it shall not anticipate dis-cussiosn of a matter which is likely to be discussed in the same session;" I have not anticipated it. Only God Almighty knows that, I cannot anticipate what will happen in this House. That is all what I have to submit to you. I wanted to help you.

श्रीमती सुषमा स्वराज : महोदया, मुझे अफसोस है कि बहुत ही सीमित मुद्दे पर होने वाली बहस अपने सतह से बाहर चलाई गई है । सदन में दिये गए वक्तव्य पर केवल एक सीमित मुद्दा है कि क्या सैंट पर होने वाली बहस को नियम 167 के तहत कराय जा सकता है ।

जब सदन भोजनावकाश के लिए उठ रहा था तब आप ने एक इश्यू फ्रेम किया था और सारे निष्कर्ष के बाद आप ने कहा था कि मुझे यह जानकारी चाहिए कि क्या सुओ-मोटो स्टेटमेंट के ऊपर नियम 167 का मोशन लाया जा सकता है । इस इश्यू के ऊपर मेरा जवाब यह है कि सामान्यतया नहीं लाया जा सकता है । लेकिन यदि सुओ-मोटो स्टेटमेंट को जनरल डिस्कशन में परिवर्तित करके पास कराने का तय हुआ हो तो नियम 167 का मोशन लाया जा सकता है और मुझे आप को केवल यह याद कराना है कि जब विपक्षी दलों के साथ इस बहस के फारमेंट पर चर्चा हुई थी तब यह तय हुआ था कि सुओ-मोटो स्टेटमेंट मिनिस्टर लाएंगे और उस को जनरल डिस्कशन में कंवर्ट करके डिस्कशन कराया जाएगा । उस चीज को मद्देनजर रखते हुए 167 के अंतर्गत मोशन लाया गया है जो कि नियमों के अनुकूल है ।

दूसरी बात यह है कि जब कभी नियमों और सदन की भावना के बीच में टकराव हुआ है तब तब सदन की भावना को सर्वोपरि माना गया है । अगर एक क्षण के लिए मान भी ले कि कोई उल्लेखनीय नियम ऐसा नहीं है तो भी हमारी यह परंपरा है कि हमने नियमों की उपेक्षा करते हुए सदन की भावना और मर्यादा का आदर करते हुए अपने इस सदन का कार्य-संचालन किया है । अतः मेरा सुझाव यह है कि आप प्रक्रिया और नियमों में उलझे बिना केवल इस बात पर सदन की सहमति प्राप्त कर ले कि क्या सदन इस विषय पर नियम 167 के अधीन चर्चा करना चाहता है । यदि सदन में इस पर "हां" हो तो आप सिकंदर बक्त या अशोक मित्र जी को मोशन रखने की इजाजत दे दें और यदि अनुमति नहीं मिलती है तो इसे साधारण चर्चा में कंवर्ट कर दें । इस लिए मुझे नहीं लगता कि इस में और ज्यादा उलझने की जरूरत है । सारे नियम सदन के लिए बनाए गए है । सदन ने अपने कार्य-संचालन के लिए ही नियम तय किए है । अतः आप सदन की स्वीकृति ले लें कि क्या सदन 167 के अधीन चर्चा चाहता है । यदि जवाब "हां" है तो 167 में चर्चा कराएं और यदि जवाब "ना" में है तो उसे साधारण चर्चा में कंवर्ट करके डिस्कशन करा दें ।

उपसभापति : हर चीज के ऊपर नियम होते है, आप ने ठीक बात कही । जब कल डिस्कशन इस पर हुआ था, कल ही सिर्फ चर्चा नहीं हुई, उससे पहले भी इस सदन में जब कभी भी कोई मंत्री सुओ-मोटो स्टेटमेंट लाए हैं, चाहे अपनी ओर से लाए है चाहे मैंबर्स की डिमांड पर लाए है, अगर मैंबर्स ने चाहा तो क्लेरिफिकेशन के बजाए उस को एक अच्छे तरीके पर चर्चा की रेजुलेट करने के लिए उसको शॉर्ट ड्यूरेशन डिस्कशन के तौर पर कंवर्ट किया गया है । ऐसी हमारी हाउस की परंपरा है । मगर वह परंपरा जो है, उस में ऐसे मोशन के अंतर्गत चर्चा नहीं हुई, न ही उस पर वोटिंग हुई है, न ही उस के ऊपर कोई मोशन आया है । हमेशा इस हाउस के अंदर यह परम्परा रही, चाहे नियम में न हो, सुओ-मोटो स्टेटमैंट के ऊपर क्लेरिफिकेशन पूछने की इजाजत नहीं है । मगर हमारी परम्पराओं को देखते हुए और मेम्बरों की यह ख्वाहिश थी इसलिए क्लेरिफिकेशन पूछने की सिर्फ इस सदन में इजाजत है और इसी सदन में यह परम्परा है । इसलिए आपका यह कहना है हमारे हाउस में ऐसा हुआ है जबकि मेरी जानकारी के मुताबिक कभी भी आजतक किसी सुओ-मोटो स्टेटमेंट के ऊपर कोई मोशन नहीं आया है और इसलिए जिस रूल के अन्तर्गत मंत्री जी ने यहां सुओ-मोटो स्टेटमैंट रखा है उस पर बहस हो रही है । अगर ऐसा पहले एक्जाम्पल होता, मिसाल होती कि मोशन मूव किया गया तो जानकारी होती । मुझे याद है राजीव जी की हत्या के सिलसिले में इस हाऊस में होम मिनिस्टर साहब ने स्टेटमेंट किया था, लीडर आफ द हाऊस ने और दो-तीन दिन तक बहस चली । सब लोग बोले मगर उस पर कोई मोशन नहीं था, उस पर डिसकशन थी । सवाल यहां डिसकशन का है । मैं आपकी भावनाओं का ख्याल करके डिसकशन एलाऊ करती हूं मगर मोशन यहां आए, मैं यह नहीं समझती कि इस पर मैं सलिंग दूं ।

श्री संघ प्रिय गौतम । यह मामला डिस-अप्रूवल का नहीं था ।

श्री सिकन्दर बख्त : मेरे दो सवाल हैं । मैं एक मिनट ले रहा हू ।

نیتاورودھی دل : "شری سکندر بخت
دو سوال ہیں۔ ایک منٹ میں کہہ رہا ہوں
.. "دو اخذ

SHRIMATI JAYANTHI NATARAJAN : Madam, I have a point to make.

SHRI SIKANDER BAKHT: Half a minute, please, Jayanthiji.

SHRIMATI JAYANTHI NATARAJAN : Let me raise one issue.

Madam, I have just been listening to the points made by the Members on the

†[ ] Transliteration in Arabic Script

other side seeking permission. I am trying to quote the rules to show that they have the right. *{Interruptions).* Quite apart from all the rules, there is one point I would like to urge. I would like the Leader of the Opposition as well as you. Madam, to consider it. Approval or disapproval is granted by the House. They want the House to express disapproval in some cases. It is done for a Bill; it is done for converting an Ordinance into a Bill; it is done for something brought before the House and for a statutory resolution. Here, Madam, the Minister has made a *suo mom* statement. No approval is being sought from this House. Therefore, the question of disapproval does not arise.

Madam, secondly, so much is being made by the hon. Members of the BJP. I have got a copy of what the hon. Leader of the Opposition read. They have not even had the time or the inclination to word the motion properly. They have not even addressed it to the Secretary-General according to the rules. The motion is not even according to the form. They are all talking for half a day! It is addressed to you, Madam. It is addressed to the Deputy Chairman. It is a small point. The House can make a note of it. They do not even have the energy to look into the rules.

SHRI SIKANDER BAKHT: I yielded to you not to go beyond the limit.

SHRIMATI JAYANTHI NATARA-JAN : The point is that they have not even addressed it to the right person.

श्री सिकन्दर बख्त । सदर साहिबा, मैं दो बाते अर्ज करने के लिए खड़ा हुआ हूँ । जब जयन्ती जी ने कहा उस वक्त मैं यही कहना चाहता था । मैं असल में एतराम करता हूँ उनका और कुछ खुश नजरिये से देखता हूँ उनकी तरफ इसलिए बैठ गया था । मैं दो बाते अर्ज करना चाहता हूँ । सुषमा जी की तजवीज के दो हिस्से थे । एक हिस्से पर आपने कामेंट किया । दूसरा हिस्सा था इस मोशन के मामले पर आप हाऊस की मर्जी ले लें उस पर आपने कोई कामेंट नहीं फर्माया । दूसरा यह था कि सवाल एडमिसिबिलिटी आफ मोशन का है और उसके लिए इतने लीगल रिगमेरोल की जरूरत नहीं होती । लोक सभा की आधा दर्जन मिसालें मैं आपके सामने रख सकता हूँ । मैं सिर्फ एडमिसिबिलिटी की हदतक जा रहा हूँ, वोटिंग की हद तक नहीं जा रहा हूँ । इस तरह से मोशन आये है, एडमिट हुए है । एडमिसिबिलिटी इज आउट आफ क्वेश्चन ।

†نیتا درودھی دل "شری سکندر بخت"
صدر صاحبہ ۔ میں دو باتیں عرض کرنے
کے لئے کھڑا ہوا ہوں۔ جب جینتی جی نے
کہا اس وقت میں یہی کہنا چاہتا تھا۔
میں اصل میں احترام کرتا ہوں ان کا اور کچھ
خوش نظریہ سے دیکھتا ہوں اُن کی طرف
اس لئے بیٹھ گیا تھا۔ میں دو باتیں عرض
کرنا چاہتا ہوں۔ سشما جی کی تجویز کے
دو حصے تھے۔ ایک حصہ پر آپ نے کمنٹ
کیا۔ دوسرا حصہ تھا اس موشن کے معاملہ
پر آپ ہاؤس کی مرضی لے لیں اس پر آپ
نے کوئی کمنٹ نہیں فرمایا۔ دوسرا یہ تھا کہ
سوال ایڈمسبلیٹی آف موشن کا ہے اور
اس کے لئے اتنے لیگل ریگمیرل کی ضرورت
نہیں ہوتی۔ لوک سبھا کی آدھا درجن
مثالیں میں آپ کے سامنے رکھ سکتا ہوں۔
میں صرف ایڈمیسبیلیٹی کی حد تک جا رہا ہوں۔
ووٹنگ کی حد تک نہیں جا رہا ہوں۔ اس
طرح سے موشن آئے ہیں۔ ایڈمٹ ہوئے ہیں
"ایڈمیسبیلٹی از آؤٹ آف کوشچن"۔

SHRI V. NARAYANASAMY : We have our own rules and conventions in this House. Lok Sabha proceedings cannot be quoted here. *(Interruptions).*

†[ ] Transliteration in Arabic Script.

श्री सिकन्दर बख्त : सवाल यह है कि यह अशोक मित्राज मोशन है...

That is all. Forget the rest of it. We want your ruling on that. If it is not admitted and accepted, I would request you to kindly quote the rule under which my motion or Mr. Ashok Mitra's motion is not accepted.

THE DEPUTY CHAIRMAN : I have given my clear indication and ruling on it.

I am not asking the Leader of the Opposition to expect me to speak what he wants me to speak or I am not expecting the Leaders in the House to expect me to speak what they want me to speak. I am going to say what I, in my own judgement feel, presiding over this House for so many years and having all the examples before me, there is no rule for asking for clarifications on a *suo motu* statement. But this is an established convention. As far as the Minister of Commerce is concerned, he has made a *suo motu* statement. It is not a motion which you are disapproving. I do not know as to what you are disapproving. Under the rules, I cannot permit a motion of disapproval on a *suo motu* statement because I have to run this House and in future also, I am not going to set any new precedent over here. Just a minute, please. Have patience to listen to me. I am listening since morning to everybody and I have a right to speak because at 4 o'clock, I have to go for the Business Advisory Committee's meeting.

श्री सत्य प्रकाश मालवीय : मेरा भी एक मोशन है, उस पर भी व्यवस्था दे दीजिये, उस पर अपनी रूलिंग दे दीजियेगा ।

उपसभापति : जो भी आपने कहा है उस पर मैं रूलिंग रिजर्व रखती हूं ।

Because this is a very complicated matter. But considering the importance of GATT negotiations in the Uruguay Round of talk and the signatures which the Minister of Commerce has put for which he has brought the statement, it is of great importance. I think we have wasted a lot of time. We should start the discussion on it. I have got the names over here. *{Interruptions).*

SHRI SIKANDER BAKHT : Madam, I agree with you that you have reserved the ruling on the admissibility of a motion.

THE DEPUTY CHAIRMAN : I cannot off-hand give such kind of a ruling. I have to discuss the matter with the Chairman. I cannot take such a decision off-hand. Now, we have got the names. I will call the people to ask for clarifications and somebody has to come and take the Chair. *(Interruptions).* Mr. Upendra, you cannot challenge my ruling. *(Interruptions)* .

SHRI SURESH KALMADI : She has given the ruling.

THE DEPUTY CHAIRMAN : Mr. Narayanasamy, please take the Chair.

SHRI S. JAIPAL REDDY : Madam, yesterday, you had agreed that there would be a general discussion. There fore, don't follow the procedure ... *(Interruptions).*

THE DEPUTY CHAIRMAN : Mr. Upendra, we have had enough time. I gave time to everybody.

SHRI P. UPENDRA : You said that we would get a chance. *(Interruptions).*

THE DEPUTY CHAIRMAN : If Sikander Bakht Ji wants to be the first person, it is all right.

DR. MURLI MANOHAR JOSHI (Uttar Pradesh) : Is it clarification or general discussion ?

THE DEPUTY CHAIRMAN : It is general discussion, but there is no motion.

श्री जगदीश प्रसाद माथुर : मोशन के बारे में अभी आपने रूलिंग नहीं दी ।

(उपसभाध्यक्ष श्री वी० नारायणसामी पीठासीन हुए)

डॉ० मुरली मनोहर जोशी : उपसभाध्यक्ष महोदय, वाणिज्य मंत्री के स्वतः वक्तव्य के संबंध में हम चर्चा कर रहे है । हम एक ऐसे ऐतिहासिक मोड़ पर खड़े है जहां भारत के भविष्य का निर्णय होना है । जहां इस बात का फैसला होना है कि भारत एक स्वाधीन राष्ट्र के तौर पर अपनी आर्थिक और राजनैतिक संप्रभुता बनाये रखेगा या दुनिया में बहु-राष्ट्रीय कंपनियों, जी-7 जैसे पूंजीवादी देशों के कमीशन एजेंट के रूप में रहेगा ।

मुझे बड़ी खुशी होती अगर वाणिज्य मंत्री स्वयं यहां उपस्थित रहते क्योंकि वहीं वहां हस्ताक्षर करने गये थे। वे अक्सर उसी तरह से सदन से उठ कर चले जाया करते है और बाद में लोगों के आग्रह पर, अनुरोध पर यहां तशरीफ लाया करते है। उन्होंने जिस संधि के बारे में अपना बयान दिया है, मैं पहले भी इस सदन में कह चुका हूँ और आज फिर दोहराना चाहता हूँ कि वह संधि विश्व में मानवता के इतिहास में एक मानवता विरोधी, शोषणकारी अन्तर्राष्ट्रीय अर्थ-व्यवस्था का मसविदा है। इससे अधिक शोषणकारी और विश्व के बहुसंख्यक समाज को आर्थिक रीति से गुलाम बनाने वाली कोई संधि या मसविदा विश्व के इतिहास में आज तक नहीं हुआ। इसलिए मुझे इस का दुख है, इस बात का खेद है, मैं चिन्तित हूँ भारत के भविष्य के लिए और जिस संधि पर हमारे वाणिज्य मंत्री ने हस्ताक्षर किये है, मैं उसका समर्थन नहीं कर सकता। मैं उस संधि से भारत के वापिस आने का अनुरोध करता हूँ। मैं पहले उन्हीं के बयान के बारे में कुछ कहना चाहूंगा। उन्होंने अपने बयान में कहा है, मैं उद्धृत करता हूं–

"While none of these issues became the subject of a multilateral-decision declaration, the Preparatory Committee of the WTO will be competent to discuss which issues should be included in the future agenda of the WTO."

After that, he said :

"U.S. and some European countries attached importance to the consideration of the link between trade and international labour standards."

And he also stated what is mentioned in it:

"The concluding remarks by the Chairman of the Ministerial meeting include *inter alia* the following statement".

इस पर ध्यान देने की जरूरत है। यह भारत की गुलामी के सारे भविष्य के रास्तों को खोलने वाला दरवाजा है। जरा इस पर गौर करें।

"In the statements which they made in the course of this meeting, the Ministers representing a number of participating delegations, stressed the importance, they attached to their requests, tor an examination of the relationship between the trading system and the internationally recognised labour standards, the relationship between immigration policies and international trade, trade and competition policies. including rules on export, financing and restrictive business practices, trade and investment, regionalism, the interaction between the trade policies and the policies relating to financial and monetary matters including debt and commodity markets, link between trade, development, political stability and the alleviation of poverty and unilateral oi extra territorial trade measures."

वाणिज्य मंत्री जी ने बड़े जोश के साथ कहा कि भारत ने इसके लिए लड़ाई लड़ी और भारत इसके लिए संघर्ष करता रहा और इन मामलों को गैट में शामिल नहीं किया गया। ठीक है, आज तो शामिल नहीं किया गया लेकिन क्या आपने गौर किया इसका समिंगअप जो उसके अध्यक्ष ने किया, उसमें उन्होंने क्या कहा? उन्होंने कहा कि आगे चल कर के इन सारी बातों पर, सारे मुद्दों पर हम विचार करेंगे। सब मिनिस्टर्ज ने समिंग-अप में अन्तिम पैरा और उनके समारोप के ऊपर ध्यान दिया, सब ने ध्यान से सुना। लेकिन किसी ने समारोप के ऊपर आपत्ति नहीं की। Nobody objected to those co..cluding remarks. भारत के वाणिज्य मंत्री ने भी इस पर कोई आपत्ति नहीं की और अपना प्रतिरोध दर्ज नहीं कराया कि इन विषयों पर आगे बातचीत करने की जरूरत नहीं है। उन्होंने कहा कि मेरी राय में अगर किसी ऐसी अन्तर्राष्ट्रीय कान्फ्रेंस में, सम्मेलन में जहां ऐसी संधि पर हस्ताक्षर करने वाले हो, उसका अध्यक्ष अपने कंक्लूडिंग रिमार्क्स में समारोप भाषण में कोई बात कहता है तो उसका मतलब उस मीटिंग में फैसले के बराबर होता है। It is taken to be the final decision of those meetings. इसलिए इसका मतलब यह है कि यह सब बातें उसमें आगे आएंगी, उसके बारे में विचार करेंगे।

डब्ल्यू० टी० ओ० प्रिपेरेटरी कमेटी और उसकी तैयारी समिति में कौन लोग हैं, वहाँ हमारा कितना स्थान होगा। हम वहां किस तरह से प्रभावित कर सकेंगे? इसलिए एजेंडा में, कार्यसूची में वह सब बातें आएंगी जिन्हें यूनाइटेड स्टेट्स और यूरोपियन यूनियन के लोग चाहेंगे। उन्हीं बातों पर ज्यादा विचार होगा। जिन बातों को हम लाना चाहेंगे या तो वे कार्यसूची में आएंगी नहीं और अगर आएंगी तो उन पर कोई विचार नहीं करेगा, उनको दरगुजर कर दिया जाएगा, दरकिनार कर दिया जाएगा। यह डब्ल्यू० टी० ओ० किसी तौर पर गरीब देशों के लिए या विकासशील देशों के हित के लिए नहीं बना है।

जिस तरह से इन बातों को अब लाया जा रहा है इसका साफ साफ मतलब यह है कि वह ट्रेड रिलेशंस के साथ सामाजिक अवस्था, श्रमिक नियमों, पर्यावरण को जोड़ेंगे । आप उसको रोक नहीं सकेंगे । आप आज तक कुछ रोक नहीं सके है और आगे भी कुछ रोक नहीं सकेंगे । आपके पास दम नहीं है । आप की रीढ़ की हड्डी में शक्ति नहीं है । आप की रीढ़ की हड्डी की जगह केला लगा हुआ है ।

It is a banana spine. इसके अन्दर फौलाद होना चाहिए था । लेकिन अफसोस के साथ कहना पड़ता है कि आपके अन्दर दम नहीं है, समर्थन नहीं है, आप लोगों को अपने साथ ले जा नहीं सकेंगे । आप यहां आ कर जरूर कहते है कि हम दुनिया के देशों के साथ मिल कर कुछ करेंगे । आप अभी तक कुछ नहीं कर पाए, आप आगे क्या कर पाएंगे ? कि उसमें एक पोलिटिकल स्टेबिलिटी, यह भी जुड़ा हुआ है यानी इन देशों के अंदर राजनैतिक अस्थिरता लाओ और फिर राजनैतिक अस्थिरता को इस सारे "गैट" के साथ जोड़ो, आर्थिक विकास की नीतियों के साथ जोड़ो । यह बात तो मेरी समझ में नहीं आती है । यह तो एक बड़े भारी अंतर्राष्ट्रीय षडयंत्र का हिस्सा है कि आप पोलिटिकल स्टेबिलिटी को, एलीवियेशन आफ पावर्टी को और हमारे यहां के सब कानूनों को, श्रमिकों की अवस्था को, पर्यावरण को अंतर्राष्ट्रीय व्यापार के साथ जोड़ दें, "गैट" के साथ जोड़ दें । आप इसको स्वीकृति देकर आये हैं । फिर बड़ी शान के साथ भारत में आकर बयान देते हैं कि हम यह करके आये हैं ।

देखिये यह मसौदा है जिस पर आप हस्ताक्षर करके आये हैं । यह उसका अंतिम परिणाम है । मेरी समझ में नहीं आता है कि आप भारत के वाणिज्य मंत्री की हैसियत से गये थे या आप जी-7 के प्रतिनिधि की हैसियत से वहां पर काम कर रहे थे । यह मैं समझ नही पाता हूँ । आपने अभी फाइनल एक्ट पर हस्ताक्षर किया है, "गैट" में पार्ट वन पर, अभी आपने पार्ट सेकेंड पर हस्ताक्षर नहीं किया है लेकिन आपने उरुग्वे राउंड के एग्रीमेंट्स के अनेक्सर वन-ए उरुग्वे राउंड के प्रोटोकाल पर हस्ताक्षर कर दिया है जो 20 हजार पेजों से अधिक है । आपने एग्रीमेंट आन एग्रीकल्चर पर अभी हस्ताक्षर करना है, सैनिटरी एण्ड फाइटो सेनिटरी कंडीशन्स के ऊपर हस्ताक्षर करना है, एग्रीमेंट आन टेक्सटाइल एण्ड क्लोदिंग पर हस्ताक्षर करना है, आपने ट्रेड रिलेटेड इन्वेस्टमेंट मेजर्स पर हस्ताक्षर करना है, टेक्निकल बेरियर्स टु ट्रेड पर हस्ताक्षर करना है और बहुत आपको अभी बहुत से हस्ताक्षर करने बाकी है, उन सबको मैं विस्तार में नहीं कहूँगा ।

इसलिए मैं आपको यह बताना चाहता हूँ कि आप इस संधि पर इसके जितने हिस्से पर हस्ताक्षर करके आये हैं और बाकी जितने हिस्से पर हस्ताक्षर करना चाहते हैं उससे कई बड़े महत्वपूर्ण सवाल उठकर आये हैं । उनमें से एक सबसे पहले संविधान का सवाल है । बहुत तर्क यहां इस बात का दिया गया कि भारत की संसद को इस बारे में अधिकार नहीं है कि वह आपकी इस संधि का सत्यापन करे या न करे । इसके बारे में यहां पर कोई बहस करे या न करे । आप कहते है कि यह तो हमारा अधिकार है, कार्यपालिका का अधिकार है कि हम जैसे चाहें अंतर्राष्ट्रीय संधि करें, संविधान ने हमको अधिकार दिया है । मुझे बहुत अफसोस के साथ कहना पड़ता है उपसभाध्यक्ष जी कि इस संविधान की धाराओं का उपयोग करके, एक संविधान के अनुच्छेद का उपयोग करके इस सारे संविधान को नष्ट करने की कोशिश की गयी है । भारत के संविधान के इतिहास में, भारत की संसदीय प्रक्रियाओं में आज तक कभी ऐसा नहीं हुआ कि संविधान की एक छोटी सी धारा का, अनुच्छेद का लाभ उठाकर जो किसी समय उन परिस्थितियों में संविधान में शामिल की गयी थी जब ऐसी अंतर्राष्ट्रीय विभीषिका की कल्पना भी नहीं कर सकते थे, उसका लाभ उठाकर आज सारे संविधान को आप नष्ट कर रहे है । संविधान में अनुच्छेद 14 भी है, अनुच्छेद 19 भी है, अनुच्छेद 21 भी है । आप इनके बारे में क्या करना चाहते है । क्या भारत के संविधान में एक व्यक्ति को जीवन का अधिकार नहीं है—राइट टु लाइफ । क्या भारत के संविधान में [illegible] को कानून के सामने समानता का अधिकार नहीं है । क्या भारत के लोगों को व्यापार में समानता का और समान व्यवहार का अधिकार नहीं है, क्या संविधान की धाराएं 14, 19 और 21 कोई मायने नहीं रखती है । क्या मौलिक अधिकारों का कोई मतलब नहीं है ।

आपने जिस संधि पर हस्ताक्षर किये है वह भारत के व्यक्तियों के जीवन को सीधा प्रभावित करती है, लाइफ को सीधा प्रभावित करती है । आप जिस संधि पर हस्ताक्षर करने गये हैं और आगे करना चाहते हैं उसके जो प्रावधान जो डाक्यूमेंट आपने ही इस देश में बांटे है वे इतने भयावह है कि भारत के व्यक्तियों का जीवन सदा-सदा के लिए समाप्त होने की संभावना हो गयी है । बहुत बड़ी संख्या में लोगों के लिए जीवन, खास और खास तौर पर चिकित्सा असंभव हो जायेगी । लाइफ का मतलब केवल यहां सरवाइवल नहीं है । व्यक्ति को जीवन का अधिकार है, लाइफ का अधिकार है, जीवन के उन्नयन का अधिकार है । लाइफ का मतलब यह नहीं है कि यह बस किसी तरह से सबसिस्ट करे, केवल उसका अस्तित्व बना रहे, उसका पेट

केवल पीठ से जुड़ा रहे । यही अस्तित्व, मात्र लाइफ का मतलब नहीं है । उसको जीवन चाहिए, जीवित रहने की गरिमा चाहिए । वह मनुष्य है । भारत का नागरिक है । इस नाते से उसको हिस्सा चाहिए । लेकिन आप जिन व्यवस्थाओं पर हस्ताक्षर करने जा रहे है, मैं अभी विस्तार में आगे सामने उनकी चर्चा करूंगा कि वे भारत के आम नागरिक के स्वास्थ्य को, चिकित्सा को, भोजन को, उसके अस्तित्व को, उसके कपड़े को, उसकी नौकरी को, रोजगार को बुरी तरह प्रभावित करती है । क्या आप ऐसा मनुष्य चाहते है जो भारत में सोमालियाँ की तरह भीख मांगता फिरे ? क्या भारत में ऐसा जीवन चाहते है जिसके सामने चिकित्सा की कोई व्यवस्था नहीं हो, उसके सामने कोई सांस्कृतिक आयाम नहीं हों । क्या आप चाहेंगे कि भारत का नागरिक ऐसा बने कि जिसके सामने उद्योग और व्यापार में कानून के समक्ष कोई समानता न रह जाये । आप संविधान के मौलिक अधिकारों की धारा 14, 19 और 21 का खुला उल्लंघन इस संधि के द्वारा कर रहे है ।

मैं आपका ध्यान सुप्रीम कोर्ट के ही निर्णय की ओर दिलाना चाहता हूँ । सुप्रीम कोर्ट ने अपने निर्णयों में कई बार इस बात को प्रतिष्ठापित किया है कि जो सरकार की कार्यपालिका की शक्ति है उसकी एक कसौटी यह होगी कि वह संविधान के अनुच्छेद 14, 19 और 21 को किस प्रकार प्रभावित करते है । कार्यपालिका की शक्ति का यह मतलब नहीं है आप उसका निर्बाध उपयोग इस तरह से करें कि व्यक्तियों का मौलिक अधिकार, राज्य सरकारों के अधिकार, इन सबके ऊपर कुठाराघात हो जाए । यह कहा है सुप्रीम कोर्ट ने कि कोई भी कार्यपालिका का कृत्य, कोई भी नीति और कोई भी उसका दृष्टिकोण यह न्याययुक्त होना चाहिए, तर्कसम्मत होना चाहिए और जो कुछ भारत के नागरिकों के हितों के विपरीत जाता है, जो कुछ भारत के नागरिकों के प्रति अन्यायपूर्ण-व्यवस्था का निर्माण करता है, कार्यपालिका को ऐसा काम करने का अधिकार नहीं दिया जा सकता । यह कहा गया है यहाँ पर कि इस सदन से अनुमति की आवश्यकता नहीं है इस संधि के बारे में क्योंकि संविधान के अनुच्छेद 73 में यह अनुबंधित है । लेकिन मैं यह कहना चाहता हूँ कि कार्यपालिका की वह शक्तियाँ ही उसके द्वारा, उस अनुच्छेद के द्वारा उसकी सीमा में आती है जिनके लिए संसद कानून बनाने के लिए सक्षम है । यदि संसद कानून बनाने के लिए सक्षम नहीं है तो फिर वह कार्यपालिका का कृत्य, फिर वह एग्जीक्यूटिव एक्शन उस संविधान के अनुच्छेद 73 से कवर नहीं होता ।

मैं उदाहरण देना चाहता हूँ । यहाँ एक सूची का उदाहरण दिया गया संविधान में और यह बताया गया कि कुछ राज्यों की सूची है, कुछ समवर्ती सूची है, कुछ केन्द्रीय सरकार की सूची है । मैं इसमें राज्य सूची की प्रविष्टी 14 की तरफ ध्यान दिलाना चाहता हूँ जिसमें कहा गया है "कृषि, जिसके अंतर्गत कृषि, शिक्षा और अनुसंधान, नाशक जीवों से संरक्षण और पादप रोगों का निवारण है ।" प्रविष्टी 15 में कहा गया है : "पशुधन का परिरक्षण, संरक्षण और सुधार तथा जीवजंतुओं के रोगों का निवारण, पशुचिकित्सा प्रशिक्षण और व्यवसाय ।" ये बिल्कुल पूरी तौर पर राज्य सरकार की सूची में है । यह केन्द्र सरकार की सूची में नहीं है । आप संधि की जिन शर्तों पर हस्ताक्षर करने जा रहे है वह सब इनको प्रभावित करती है । देखिए इसी में जो संधि-धान पर आप घात करने जा रहे है, उसका एक उदाहरण मैं आपको देना चाहता हूँ इसी कृषि के संबंध में आपका जो डाक्यूमेंट है उसी के अंदर आपने, उसका एनेक्स्चर 3 देखें, जो एग्रीमेंट आन् एग्रीकल्चर है । उसमें आपने कहा है, जो हमें डाक्यूमेंट दिया है उसमें कहा गया है एनेक्स्चर 3 के पैरा 2 को देखें । पैरा 1 में सबसिडीज का वर्णन है कि किस-किस प्रकार की सबसिडीज होंगी । पैरा 2 कहता है कि,

"Subsidies under paragraph 1 shall include both budgetary outlays and revenue foregone by Government or their agents."

यह सबसिडी के पैराग्राफ्स में उल्लेखनीय है । फिर उसका पैराग्राफ 3 कहता है :

"Support at both the national and sub-national level shall be included."

किसमें ?

"In calculation of aggregate measure of support."

अर्थात् आप कितनी सपोर्ट दे रहे है जब आप उसके अंदर कितना सपोर्ट दे रहे है इसकी गणना होगी तो उसमें support at both the national and sub-national level shall be included. यानी केन्द्रीय सरकार क्या कर रही है वह भी शामिल होगा, राज्य सरकारें क्या कर रही है, वह भी शामिल होगा और पंचायत क्या कर रही है वह भी शामिल होगा । यानी अगर कोई पंचायत किसी जमीन का लगान मुआफ करे तो वह उसमें शामिल हो जाएगा । ऐसी राज्य सरकारें है जिन्होंने अपनी भूमि का लगान मुआफ किया है, वह सबसिडी में शामिल हो जाएगा । अगर वह सस्ती बिजली देना चाहेंगे तो वह सबसिडी में शामिल हो जायेंगे । अगर सरकार कोई

अधिकरण नियुक्त करती है, कोई एजेंसी नियुक्त करती है, उसमें यदि रेवेन्यु को आप छोड़ते है उसमें राजस्व के लिए आप छूट देते हैं तो वह सब सबसिडी मान लिया जाएगा । यह किसका अधिकार है ? कृषि तो पूर्ण तौर पर राज्य सरकारों का अधिकार है । इसलिए आप जब यह कहते है कि आप संविधान का बड़ा सम्मान करते हैं, मेरे सम्मानित सदस्य बार-बार संविधान के सम्मान की दुहाइयां दे रहे थे । मैं पूछना चाहता हूँ कि आप किस संविधान का सम्मान करना चाहते है ? आपने तो संविधान के परखच्चे उड़ा दिए, आपने तो इस संविधान को हवा में फेंक दिया, आप तो उसकी किसी भी धारा का पालन नहीं करना चाहते । आप जो यहां के मौलिक अधिकार हैं, फंडामेंटल राइट्स हैं 14, 19 और 21, आप उनका निरंतर उल्लंघन करना चाहते है । आप इस बारे में गौर करें कि भारत के संविधान में एक परिकल्पना की गयी है । आप कहते भी हैं कि संविधान बड़ा पवित्र डॉक्युमेंट है, मगर उस तरफ जो सदस्य बैठे हैं, वह तो संविधान को सोशलिस्ट संविधान मानते हैं । उसमें तो सोशलिस्ट शब्द है प्रिएंबल में । समाजवादी संविधान आपका है, लेकिन आप जो लिबरलाइजेशन और ग्लोबलाइजेशन कर रहे हैं, उसका समाजवाद से क्या रिश्ता है ? आप किस संविधान की बात कर रहे है ? आप किस संविधान का आदर करना चाहते है ? आप उसमें सामाजिक कल्याण की किन बातों को रखना चाहते हैं ? आप जिस संधि पर इस्ताक्षर कर के आए है, उससे आप आम ग्रामीण किसान और आम भारत के छोटे उद्योग में काम करनेवाले श्रमिक के लिए छोड़िए, अब तो बड़े उद्योग में काम करनेवाले श्रमिकों के लिए जितनी वेलफेयर स्कीम्स थीं, जितने उनके कल्याणकारी कार्य थे, उन सबको आपने हवा में उड़ा दिया है । आप किस संविधान की बात कर रहे हैं ? आप किस भावना का आदर करना चाहते हैं, यह मैं जानना चाहता हूँ ? क्या आप भारत की संप्रभुतापूर्ण भावना, 'वी द पीपुल ऑफ इंडिया', जोकि सॉवरन रिपब्लिक है, जो फेडरल स्ट्रक्चर है, उसका जो संघीय ढांचा है, सुप्रीम कोर्ट जिसे बुनियादी ढांचा कहती है, बेसिक स्ट्रक्चर कहती है, क्या आप उसका सम्मान कर रहे है ? आपने तो राज्यों के अधिकारों के ऊपर पूरा-पूरा हस्तक्षेप किया है । उनको अपनी जेब में रख लिया है । क्षमा कीजिए, जब आप डब्ल्यू० टी० ओ० के सदस्य हो जाएँगे तो डब्ल्यू० टी० ओ० में बननेवाले कानून के अनुसार आपको अपने सारे कानूनों का संशोधन करना पड़ेगा । तो आप किस संविधान की रक्षा करेंगे । मेरी निगाह में तो संविधान के अनुच्छेद 73 के अंतर्गत आप इस सारे संविधान को नष्ट करने की प्रक्रिया अपना रहे है । भारत के संविधान का कोई मतलब नहीं रहेगा जिस दिन आप डब्ल्यू० टी० ओ० के सदस्य हो जाएंगे ।

अभी सम्मानित सदस्य कह रहे थे कि अमेरिका में यह व्यवस्था है कि जिस दिन वह कोई अंतर्राष्ट्रीय संधि कर के आते है तो उनके सारे कानून उसके मुताबिक बदल जाते हैं, लेकिन अमेरिका अंतर्राष्ट्रीय संधि करता है तो अपने हित में करता है । अमेरिकी नागरिकों के हितों के विरुद्ध कोई अंतर्राष्ट्रीय संधि वह नहीं करता है । आप तो जो संधि करने जा रहे है, वह भारत के नागरिकों के हितों के सर्वथा विरुद्ध है । आप उसके बारे में कोई भी आश्वस्ति वहाँ से लेकर नहीं आए जिससे कि भारत के नागरिकों का हित आप कर रहे हों ।

जहाँ तक रोजगार का सवाल है, आपने रोजगार की व्यवस्थाओं को चौपट किया है—चाहे "ट्रिप्स" हो या "ट्रिम्स" हो । एग्रीकल्चर के क्षेत्र में आपने जिस व्यवस्था का अनुपालन किया है, वह भी मैं आपको बता दूं । आपने पेटेंट लॉज और मार्केट एक्सेसिंग की जो व्यवस्था की है, वह बहुत खतरनाक है । अब मैं आपको उस संबंध में बताता हूँ कि जिस "ट्रिप्स" के द्वारा आप पेरिस कनवेंशन के सदस्य बन गए है, अभी तक आपने पेरिस कनवेंशन पर हस्ताक्षर नहीं किए थे, लेकिन अब आप एग्रीमेंट ऑन ट्रेड रिलेटेड आस्पेक्ट्स ऑफ इंटलैक्चुअल प्रॉपर्टी राइट्स के आर्टीकल-2 को देखें । उसके पैरा 1 में लिखा है कि—

"In respect of parts 2nd, 3rd and 4th of this Agreement, members shall comply with articles 1, 12 and 19 of the Paris Convention, 1967."

आपने दस्तखत नहीं किए, लेकिन आप पेरिस कनवेंशन के सदस्य बन गए हैं । इसका इम्लीकेशन क्या है ? वह यह है कि अब आपके सामने जो पेरिस कनवेंशन में संशोधन हो रहा है, वह पेरिस कनवेंशन से भी अधिक घातक है । समय न होने के कारण मैं उसकी विस्तार में चर्चा नहीं करना चाहता, लेकिन आपके ऊपर वह सब धाराएँ लागू हो जाएंगी । मुझे याद आता है, जस्टिस हिदायतुल्ला, जस्टिस चंद्रचूड़ और जस्टिस शाह ने बहुत सीधी-सीधी बात कही थी कि इस पेरिस कनवेंशन की सदस्यता से बहुत बड़े संवैधानिक प्रश्न खड़े होते है । मैं आपसे पूछना चाहता हूँ कि क्या आपने उन संविधान की मर्यादाओं का पालन किया है ? आपने बार-बार बताया है कि यह जो पैटेंट लॉज है, इसमें प्लांट ब्रीडर्स के राइट्स के बारे में हम जो कुछ करने जा रहे हैं, उससे भारत के किसानों के अधिकारों का कोई अतिक्रमण नहीं होता, लेकिन यह भी आपकी गलतफहमी है । अगर आप आर्टिकल

-27 में आस्पेक्ट्स आफ इंटलैक्चुअल प्रॉपर्टी राइट्स देखेंगे तो उसमें कहा गया है कि यह जो पेटेंट राइट्स है–

"Trade—related aspects of Intellectual Property Rights, they are enjoyable without discrimination as to the place of invention, the field of technology, and whether products are imported or 'ocally produced."

इसमें तो आपने भारत की सारी रिसर्च और डेवलपमेंट को नष्ट कर दिया है। वैज्ञानिकों के ऊपर आपने कुठाराघात कर दिया है। तो सारे पैटेंट को और इस देश में टैक्नोलोजी के ट्रांसफर को और कम-से-कम् यहां टैक्नोलोजी के विकास को आपने बिल्कुल समाप्त कर दिया है। अब जरा आप आगे चलकर पैरा 3 के कंस्ट्रक्शन पर गौर कीजिए––

"The members may also exclude from patentability plants and animals other than micro-organisms and, essentially, the biolgecal processes for the production ot plan's or animals other than non-biological *".and* micro-biological processes. However, the members may provide for the projection of plant varieties either by patents or by an effective *sui-generk* system." Now what is the meaning of 'effective' in this ?

इस एफेक्टिविटि का आप कहां से निर्णय करेंगे ? यह तो पेरिस कन्वेंशन के हिसाब से होगा और उसके लिए जो कुछ डब्ल्यू० टी० ओ० यह तय करेगा, आपको मानना पड़ेगा। जो यह उपोव कन्वेन्शन है, उसके अलावा उसका और कोई मतलब होता ही नहीं है। वह एफेक्टिविटी, वह प्रभावकारिता का मतलब है, वह उपोव कन्वेन्शन 1991 के साथ किस हद तक सहमत है अथवा असहमत है। अगर उससे असहमत है तो उसका कोई मतलब नहीं है। अगर उससे सहमत है तो स्यु-जनरेस होने का कोई मतलब नहीं है। आपको समय दिया गया है दस साल के अन्दर उसको आप स्थापित करेंगे। आपको जल्दी है कि आप उसे अभी स्थापित कर रहे हैं। आगे यह बताया -the Provision of this sub-paragraph be reviewed four years after (he entry into force of the agreement establishing MTO arising out of it."

चार साल के बाद इनका फिर रिव्यू हो जाएगा और चार साल के रिव्यू के पश्चात् अगर आप डब्लू० टी० ओ० में जो कंसेंसस है उसके अनुसार आपका कानून नहीं है तो उसे आपको बदलना पड़ेगा। इसलिए आपका यह स्यु-जनेरस बिल्कुल एक धोखा है। यह तो बिल्कुल आपका उन्हीं कन्वेंशन के मुताबिक, उपोव कन्वेंशन, पेरिस कन्वेन्शन या इनके किसी मोडिफिकेशन, इसके अलावा और किसी रास्ते पर आपके जाने का मतलब नहीं है। आप बार बार यह कहते हैं कि आप भारत के किसानों के अधिकार का, बीज के अधिकार का संरक्षण करेंगे। आप किसको धोखा देना चाहते हैं ? स्वयं धोखा खा लीजिए। कुछ दिनों तक जब तक आप सरकार में हैं तब तक आप टी० वी० के माध्यम से, और प्रचार साधनों के माध्यम से लोगों को धोखा दे दीजिए, लेकिन वह दिन जल्दी आएगा, जिस दिन हिन्दुस्तान का किसान, हिन्दुस्तान का श्रमिक, हिन्दुस्तान का आम आदमी आपसे जवाब मांगेगा। आपसे पूछेगा कि आप यह क्या करके आए ? आपको किसने अधिकार दिया था देश को इस तरह से गिरवी रखने का, देश की वैज्ञानिक प्रतिभा को गिरवी रखने का ? मेरे हजारों छात्र जो विज्ञान पढ़कर के आए हैं, वाणिज्य मंत्री जी वह इस सरकार से और उन तमाम लोगों से हैं, जिन्होंने इस संविधान की हत्या की है उनसे इस बात का जवाब मांगेगा। मुझे पता नहीं, आप उस दिन जवाब देने के लिए कहां होंगे और किस तरह से आप उसे जवाब दे सकेंगे ? लेकिन, वह दिन दूर नहीं, जब आपको इस बारे में सारे देश के सामने जवाब देना पड़ेगा।

आपने स्वयं ही यह वक्तव्य दिया कि लेवल प्लेइंग फील्ड होनी चाहिए। क्या आप यह गैट का लेवल प्लेइंग फील्ड दे रहे है ? क्या आप इसके द्वारा जिन व्यवस्थाओं को ला रहे हैं वह व्यवस्थाएँ भारत के उद्योगपतियों को विश्व के उद्योगपतियों के साथ लेवल प्लेइंग फील्ड दे रहे हैं ? जब आप कहते हैं कि लेवल प्लेइंग फील्ड चाहिए, तो इसका मतलब यह है कि आपके मन में कहीं न कहीं चोर है कि यह जो अंतर्राष्ट्रीय व्यवस्था आ रही है यह गैर-बराबरी की है। भारत का संविधान एक बराबरी वाले समाज के निर्माण की बात करता है, भारत में नागरिकों को बराबरी का अधिकार देता है, क्या इस मामले में आप बहुराष्ट्रीय कंपनियों और विदेशी निवेशकारियों को जिन्हें आपने 16 प्रतिशत मुनाफे की गारण्टी दी है पावर सेक्टर में, उन्हें आप भारत के उद्योगपतियों के साथ बराबरी के रास्ते पर लेवल प्लेइंग फील्ड दे रहे है? आप कौनसी कानूनी बराबरी की बात कर रहे हैं ? किस संविधान की बात आप कर रहे हैं ? आप हमें कहां ले जाना चाहते हैं ? आप तो गैर-बराबरी की बात कर रहे हैं। आप एक विषमतामूलक समाज की बात कर रहे हैं। आप एक विषमतामूलक विश्व के निर्माण की बात कर रहे हैं।

मैं गैट का इसलिए विरोध करता हूँ कि यह सारी दुनिया को दो खेमों में बांट रहा है। वह है तो थोड़े, लेकिन बहुत बड़ी मात्रा में विश्व के सारे संसाधनों का

उपयोग कर रहे हैं। 4 प्रतिशत अमरिकन वह दुनिया के, 43 प्रतिशत संसाधनों का उपयोग कर रहे हैं। यह 20 प्रतिशत, 22 प्रतिशत जनसंख्या के लोग, जो आज जी-सेवेन और उनके साथी हैं वह, 80 प्रतिशत दुनिया के संसाधनों का उपयोग कर रहे है और अपने यहां उन साधनों को बनाए रखने के लिए, अपने यहां के लोगों को नौकरियां देने के लिए, अपने उद्योगो को चालू रखने के लिए वह भारत के उद्योगों पर, भारत के श्रमिकों के, भारत के किसानों के पेट पर लात मार रहे हैं। मुझे अफसोस है कि आप उनका साथ दे रहे हैं। मुझे खुशी हुई होती अगर भारत के वाणिज्य मंत्री वहां से वापस आ गए होते और उन्होंने वहां पर यह बात उठाई होती कि भारत विश्व की तमाम पीड़ित मानवता के साथ है, भारत ऐसी किसी अंतर्राष्ट्रीय शोषणकारी व्यवस्था का समर्थन नहीं करेगा, जो विश्व के लोगों को गुलाम बनाने वाली व्यवस्था हो, जो विश्व के लोगों की संस्कृति को नष्ट करने वाली व्यवस्था हो, जो सारे विश्व को एक उपभोक्तावादी समाज और एक एकांगी समाज व्यवस्था के अंदर जकड़ने वाली व्यवस्था हो, हम उसका विरोध करते हैं। एक नए ढंग का आर्थिक साम्राज्यवाद आप इस दुनिया के ऊपर लादना चाहते हैं, मैं उसका विरोध करता हूँ।....(समय की घंटी)....

महोदय, मैं थोड़ा सा समय और लूंगा। जिस रुप में आप इस कॉनट्रेक्टस की व्यवस्थाओं को देश भर में लागू करेंगे, उसका नतीजा आप कुछ तो भुगत ही रहे हैं, कुछ और भुगतने लगेंगे। इसके भी जरा आप आर्टिकल 2, 2.1 और 2.2 को देखें तो पता लगेगा कि हम किस हद तक और कितनी परेशानियों में फंस गए है।.....

इसका आब्जेक्टिव क्या है ? :–

"... desiring to promote expansion and progressive liberalisation of world trade and to facilitate investment across international frontiers so as to increase economic growth of all trading partners and, particularly, the developing country-members while ensuring free competition, recognising that certain investment measures can cause trade restrictions and distorted effects."

Article 2 says :

"Without prejudice to other rights and obligations under GATT, 1994, no member shall apply any TRIM that is inconsistent with the provisions of article 3 or article 11 of GATT, 1994."

जो गैट, 1994 अभी आपने देश में बांटा नहीं है पता नहीं कि उसके आर्टिकल्स का अंतिम रुप क्या होगा?

"Illustrative list of TRIMs that are inconsistent with the obligations of national treatment provided for in article 3.4 of GATT, 1994 and the obligation of the general elimination of quantitative restrictions provided for in article 11.1 of GATT, 1994, is contained in the annexe to this Agreement."

इलस्ट्रेटिव लिस्ट क्या कहती है :–

"TRIMs that are inconsistent with the obligation of national treatment provided for in article 3.4 of GATT, 1994 include those which are mandatory or enforceable under domestic law or under administrative rulings, the compliance of which is necessary to obtain an advantage and which require :

(a) the purchase or use by any enterprise of products of domestic origin or from any domestic sources, whether specified in terms of the parti cular products, in terms of the volume or value of products or in terms of the proportion of the value or value of its local production ; or *

(b) that an enterprise's purchases or use of imported products be limited to an amount related to the volume or the value of local products that it exports."

अभी तक आप यह कहते थे कि आइए हमारे यहां, हमारे यहां सामान बनाइए और एक्सपोर्ट कीजिए, उतने ही इम्पोर्ट की हम इजाजत देंगे जितना कि आप एक्सपोर्ट करेंगे। अब बात खत्म हो गई, कोई उसके ऊपर एक्सपोर्ट रिस्ट्रीक्शन आप नहीं लगा सकते। इसके द्वारा जो कुछ आपने किया है उसका नतीजा यह है कि एक तरह से ट्रिम्स और ट्रिप्स मिलाकर

Import is the continuation of the patents.

यदि उसने पेटेंट अमेरिका में लिया है तो यहाँ उसको जरूरत नहीं है कि वह बनाए, कम्पलसरी लाइसेंसिंग अब आप नहीं कर सकेंगे, वह इम्पोर्ट करेगा और केवल प्रोडक्ट ही इम्पोर्ट नहीं करेगा, वह तमाम चीजें इम्पोर्ट कर सकेगा, यह आप हमें क्या बताना चाहते है ?

टैक्सटाइल के मामले में मैं देखता हूँ कि भारत सरकार की तरफ से बार-बार यह कहा जाता है कि हम टैक्सटाइल के अंदर बहुत कुछ करके आए है, मैं उसके विस्तार में नहीं जाऊंगा, समय बहुत कम

है, लेकिन मैं आपसे कहना चाहता हूँ कि आपने टैक्सटाइल में केवल समय, जो आपको कोटा से हटने का समय था, वह केवल घटा है। लेकिन इसी के साथ-साथ एक बात और जुड़ गई है कि जब हमारा व्यापार वहां इंटीग्रेट होगा तो अमेरिका को भी अपने वस्त्र यहां लाने की अनुमति आपने दी है। You allowed the import of the American textiles. आपने उसको आने की इजाजत दी है यहां। तो आपको क्या लाभ हुआ ? जो आपका वस्त्र उद्योग है, जिसके विस्तार की आप बात कर रहे है और जो 10 वर्ष का समय है, उसमें मैक्सिको, उत्तरी अमेरिका और कनाडा के लिए एक बाजार तैयार कर लेग। और स्पेन यूरोपियन यूनियन में पहुंच जाएगा। आपको क्या मिलने वाला है ? अंतिम वर्ष में कहीं जाकर के आपका कोटा ठीक होगा, लेकिन इस बीच में अगर आप कहीं कोटे की शर्तें देखें तो इस कोटे के निर्धारण में कपड़ा और तैयार वस्त्र दोनों शामिल हैं। अमेरिका से सिंथेटिक माल आएगा जिसकी खपत इस देश के अंदर करने में जितना उनके पास आज विज्ञापन का साधन है, उन्हें कोई देर नहीं लगेगी। आप इस देश के कपड़ा उद्योग को नष्ट करने की व्यवस्था करके आ रहे है। आप क्यों इस पर हस्ताक्षर करना चाहते हैं ? आप में क्यों इतना साइस नहीं है कि आप यह कह सके कि इससे लाखों-करोड़ों लोग हमारे देश के वस्त्र उद्योग के बेकार हो जाएंगे, हैंडलूम बेरोजगार हो जाएगा, बुनकर बेरोजगार हो जाएंगे, आप क्यों नहीं कह सकते ? आपने भारत के किस क्षेत्र के लिए क्या उपलब्धि की है, मैं नहीं समझ पाता। बीज के मामले में आप देश के लोगों को धोखा देना बंद करें, गुमराह करना बंद करें, वस्तुस्थिति बताएं। आप कहें कि आप मजबूर थे, आप कहें कि आप विवश थे। आप देश से क्षमा मांगे। देश के सामने आपको कहना चाहिए कि हमसे गलती हो गई, हम नहीं कर सकते। मैं आपसे यह प्रश्न करना चाहता हूँ वाणिज्य मंत्री जी, आप ऐतिहासिक क्षण में भारत के वाणिज्य मंत्री बने हैं, इतिहास में . . . (व्यवधान) . . .

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Mr. Joshi, one minute. It is only clarification.

SOME HON. MEMBERS : It is general discussion and not clarification . . . *(Interruptions)* . . .

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : I am asking Mr. Joshi to conclude.

SHRI SATISH AGARWAL (Rajasthan): Mr. Vice-Chairman, Sir, even the ruling on the motion is suspended.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Kindly take your seat. It cannot be like that. According to the List of Business, it is only a statement by the Minister. Then, you have to seek clarifications. Since the matter is of importance, we are giving a little more time. Therefore, kindly be brief.

DR. MURLI MANOHAR JOSHI: Sir, we have been assured that it is now a general discussion.

SHRI JAGDISH PRASAD MATHUR : Sir, I may recall that even in the Business Advisory Committee, it was decided that the day after tomorrow, the whole day will be there for this. So, the time is not to be restricted that way. Our time will be much more than what you are allotting. So, do not restrict it. It is a short duration discussion. I am sorry that my speaker has been interrupted unnecessarily.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : No. He has not been interrupted. He has been reminded. Kindly do not say like that.

Dr. Joshi you can continue now.

डॉ० मुरली मनोहर जोशी : अभी बार-बार यह कहा जाता है और हमको यह समझाया जाता है कि सब्सिडी के बारे में जितनी भी शर्तें हैं, यह तो हमारे किसानों पर नहीं लगेंगी। मुझे समझ में नहीं आता कि वित्त मंत्री जी कहते हैं कि हमारे पास बहुत अधिक मात्रा में विदेशी मुद्रा का भंडार जमा है और हमारे वाणिज्य मंत्री कहते हैं कि हम चूंकि विदेशी मुद्रा के संकट से ग्रस्त हैं इसलिए हमारे ऊपर यह क्लॉजेज नहीं लगेंगी। अब इसका फैसला कौन करेगा ? आप करेंगे या मनमोहन सिंह जी करेंगे या इसका फैसला आई० एम० एफ० करेगा। जहां तक मेरी जानकारी है, जो गैट के नियम हैं उन नियमों में आर्टिकिल-15 के अनुसार जो एक्सचेंज एग्रीमेंट है, उसके पैरा-2 में कहा जाता है : आर्टिकिल-15, "In all cases in which the contracting party's balance of payments or foreigD exchange arrangements are called upon to consider or to deal with problems

concerning monetary reserves and balance of payments, they shall consult fully with the Iniernational Monetary Fund. In such consultations, the contracting parties shall accept all findings of statistical and other fads presented by the Fund relating to foreigr-exchange, monetary reserves and balance.-; of payments, and shall accept the determination of the Fund as to whether action by a contracting party in exchange mailer;, is in accordance with the articles of agreement of the International Monetary Fund or with the terms of a special exchange agreement between the contracting party and the contracting parties. The contracting parties, in reaching their final decision in cases involving the criteria setforth in para 2(a) of Article 12 or in para 9 of Article 18 shall accept the determination of the Fund as to what constitutes a serious decline in the contracting party's monetary reserves, a very low level of its monetary reserves or a reasonable rate of increase in its monetary reserves, and as to financial aspects of other matters covered in consuliation in such cases."

और आप यह भी जानते हैं कि इसी गैट की शर्तों के अनुसार अगर विदेशी मुद्रा का संकट आप पर आ रहा है तो फिर यह डब्ल्यू० टी० ओ० आपको सर्विलेंस में रख सकता है, आपकी तमाम जितनी भी अर्थव्यवस्थाएं हैं, आर्थिक नीतियां हैं उनके ऊपर निगाह रख सकता है, उनको मॉनिटर कर सकता है, आपको सुझाव दे सकता है, उनके बारे में आप पर दबाव दे सकता है जिसको झेलने की शक्ति आप में है ही नहीं । तो इसलिए प्रश्न यह है कि जिन तत्वों पर आप हमें बार-बार समझा रहे हैं कि हमने कपड़े में यह कर लिया वह कर लिया सच तो यह है कि आपने कुछ नहीं किया । वस्त्र उद्योग के मामले में मुझे बहुत अफसोस के साथ कहना पड़ता है कि भारत को सबसे बड़ा नुकसान होगा, कपड़ा-टैक्सटाईल यह 30 प्रतिशत के लगभग हमारा फॉरेन एक्सचेंज अर्न करता है, विदेशी मुद्रा का उपार्जन करता है । उसके बारे में, उसके भविष्य के बारे में बहुत संदेह इससे पैदा हो गए हैं । आपने इसी तरह से कृषि के बारे में यह कहा है कि हमारा एक्सपोर्ट होगा । मुझे बहुत विनम्रता के साथ कहना पड़ता है कि आप कहां एक्सपोर्ट करेंगे ? जो सेनिटरी एंड फाइटो सेनिटरी कंडीशंस हैं, उनका क्या होगा ? आपने अपना बाजार तो उनके लिए खोल दिया है, लेकिन आपका बाजार कहां खुला है ? बाजार आपने पूरे तौर पर खोल दिया उनके लिए । आपके पास कोई सेफगार्ड नहीं है । अगर वह निश्चित मात्रा से अधिक अनाज यहां ले आएंगे तो आप उनको रोक नहीं सकते, केवल ड्यूटी बढ़ा सकते हैं । मैं बार-बार कहता हूँ कि आप किसी भी ऐसे मामले में भारत के अन्न के व्यापार को आप बाहर का बाजार उपलब्ध नहीं करा पाते, बल्कि आपने विदेशी लोगों के अन्न के व्यापार को भारत में आने की पूरी स्वतंत्रता दे दी है, अभी से ही दे दी है । आप उसको रोक नहीं सकेंगे । क्योंकि धीरे-धीरे आपको हर साल उसकी मात्रा बढ़ानी पड़ेगी । अगर आप ऐग्रीमेंट ऑफ ऐग्रीकल्चर में आर्टिकल 6 और उसके साथ-साथ एक्सपोर्ट सबसिडी का आर्टिकल 9 का पार्ट 4, इन सबका अध्ययन करेंगे तो आपको पता चल जाएगा कि हम कुछ नहीं कर सकेंगे अपने अनाज के व्यापार के मामले में । आपको आयात हर साल बढ़ाना पड़ेगा और .8 परसेंट बढ़ाते हुए आने वाले 10 वर्षों में 8 प्रतिशत तक अपना व्यापार खोल देना पड़ेगा और साथ ही साथ अगर आप दूसरे देशों से व्यापार की इजाजत अपने यहां देंगे तो उसको आप रोक नहीं पाएंगे, केवल ड्यूटी बढ़ा पाएंगे । उसका भी मैड्यूल दिया गया है कि अगर इतना बढ़ेगा तो इतना देंगे, इतना बढ़ेगा तो इतनी ड्यूटी लगाएंगे ।

आपने कमिटमेंट किया है कि सामान्य व्यापार में आप अपनी कस्टम ड्यूटी घटाएंगे । आपने बहुत-सी चीजों पर कस्टम ड्यूटी घटा भी दी है । पहले जहां आप 145 प्रतिशत तक ड्यूटी लगाते थे, उसको आपने 40 प्रतिशत और 25 प्रतिशत तक करने का फैसला किया है । हिंदुस्तान में जो सीमा शुल्क लगता है वह राजस्व को प्राप्त करने का एक रास्ता है । विदेशों में जो कस्टम ड्यूटी लगती है, वहां राजस्व का सवाल नहीं है बल्कि वह आयात को कठिन बनाने के लिए है । अमरिका में जापान का सामान कम आए इसलिए कस्टम ड्यूटी लगती है । कस्टम ड्यूटी अमरिका के बजट का बड़ा भाग नहीं है लेकिन हिंदुस्तान में यह हमारे राजस्व का बड़ा हिस्सा है । आपने इसको घटा दिया । इसी साल जहां तक मेरा ख्याल है, आपने 3 हजार करोड़ रुपए की कस्टम ड्यूटी घटाई है । उसके बदले फिर कहीं न कहीं आपको पैसे की जरुरत पड़ेगी । आपने एक्साईज ड्यूटी बढ़ाई और वह आपने छोटे उद्योगों पर बढ़ाई । आज 5 लाख छोटे उद्योगों की इकाइयां बंद हो गई है । हाथ के रुमाल पर भी आपने एक्साइज ड्यूटी लगाई है । आपने हवाई चप्पलों पर, छाते पर, साबुन पर, आयुर्वेदिक दवाइयों पर, साईकिल के टायर पर एक्साइज ड्यूटी लगाई है और जब आदमी इस महंगाई की मार से परेशान होकर रोने लग जाए तो आपने हाथ के रुमाल पर भी एक्साइज ड्यूटी लगा दी ताकि वह रोने पर आंसू भी न पोंछ सके । "गैट" समझौते पर हस्ताक्षर करने से पहले ही

आप उसकी तमाम नीतियों का अवलंबन करते जा रहे हैं । आपने संगमरमर पर 145 प्रतिशत से 40 प्रतिशत तक कस्टम ड्यूटी घटाई है और ग्रेनाइट पर भी 145 प्रतिशत से 40 प्रतिशत तक घटाई है । अगर विदेशी मार्बल यहां सस्ता होगा तो उसका सीधा असर केवल व्यापारियों पर ही नहीं पड़ेगा बल्कि खदानों में काम करने वाले मजदूरों पर होगा ।

आप कल्पना कर लीजिए कि हिंदुस्तान में किस रफ्तार से बेरोजगारी बढ़ेगी । आज यूरोपियन यूनियन के सामने बेरोजगारी का बड़ा सवाल है । आज 25 करोड़ की जनसंख्या की यूरोपियन यूनियन के सामने ढाई लाख बेरोजगार है । स्पेन में 29 प्रतिशत बेरोजगारी है । जर्मनी जैसे विकसित देश में 8.1 प्रतिशत बेरोजगारी है । यूरोपियन यूनियन में 9 प्रतिशत, साढ़े नौ प्रतिशत बेरोजगारी है । अमरीका में बेरोजगारी बढ़ रही है, छंटनियां हो रही है । आप किस ग्लोबलाइजेशन की बात कर रहे है ? आप हमारी अर्थव्यवस्था को कहां ले जाना चाहते हैं, क्या लाभ हमें देना चाहते हैं यह मैं बार-बार आपसे पूछता हूं लेकिन आप कोई जवाब नहीं देते । किसानों को आप बरगलाते हैं कि सबसिडी हमें तो घटाने की जरूरत नहीं है लेकिन मैं आपसे कहना चाहता हूं कि इस भ्रमजाल में आप मत रहिए ।

आप अपने यहां समर्थन मूल्यों की घोषणा नहीं कर सकते । आपका पब्लिक डिस्ट्रीब्यूशन सिस्टम बैठ गया है । आप सार्वजनिक वितरण प्रणाली नहीं चला सकते और जिस तरह की व्यवस्थाएं इसके अंदर लिखी हुई है, उनकी ओर मैं आपका ध्यान आकर्षित करना चाहूंगा । ऐग्रीकल्चर के अंदर जो व्यवस्था की गई है, उसमें जो गणना की जाएगी, उसमें किस हिसाब से गिनती होगी, कौन-सी चीजें सबसिडी में शामिल होंगी और कौन-सी चीजे सबसिडी में शामिल नहीं होंगी, इसकी ओर मैं आपका ध्यान आकर्षित करना चाहता हूँ । अनेक्सर 2 को देखिए । इस में जिन चीजों को उन्होंने कहा है उसमें बताया गया है—

"Research, including general research ; research in connection with environmental programmes; research relating to particular products".

यह ऐग्रिकल्चर के क्षेत्र में सबसिडी में शामिल नहीं होगा । हमारे देश में यह खर्चा कम है ।···(व्यवधान) इसको बढ़ाना चाहिए । आपने क्वटरी एलोकेशन में कृषि का एलोकेशन घटाया है, हर साल आप घटाने जा रहे हैं । अगर उस को बढ़ाना है, हमारी कृषि केन्द्रित अर्थ-व्यवस्था को चलाने की आप को समझदारी आ जाए तो मुझ से ज्यादा कौन खुश होगा ।

फिर आप कहते है, अनेक्सर 2 में—

"The support in question shall be provided through a publicly-funded Government programme, not involving transfers from consumers. The support in question shall not have the effect of providing price support to producers".

मैंने जो पढ़ा है इसको प्रोड्यूसर का सपोर्ट प्राइस नहीं मानेंग ।

एक और बड़ी मजेदार चीज है, डिकपल्ड, अनेक्सर 2 में—

"Domestic Support: Basis for exemption from reduction commitments".

अनेक्सर 2 में पैरा 5 के सब पैरा 6 में देखिए, आप कहते है—

"No production shall be required in order to receive such payments".

अगर आप प्रोडक्शन नहीं कर रहे है तो यह डिकपल्ड इनकम सपोर्ट है यह जमीन खाली रखने के लिए सबसिडी दी जा रही है तो वह सबसिडी में शामिल नहीं है । विदेशों में सबसिडी दी जा रही है जमीन खाली रखने के लिए । इसके लिए किसानों को पैसा दिया जाता है । हमारे यहां किसान को उत्पादन बढ़ाने के लिए सबसिडी दी जा रही है तो वह सबसिडी में शामिल है । यह टोटली डिस्क्रिमिनेटरी है । इस गैट संधि का जो भी बैलेंस है, अधिभार है वह कृषि के क्षेत्र में भी उन्हीं के लिए है । किसानों को आप इस देश में चौपट करना चाहते हैं । यह गैट की संधि किसी भी तौर पर हमारे देश के हित में नहीं है और जिस तरीके से आप इसका एकतरफ प्रचार कर रहे है, उससे साफ है कि वह हमारे विरोध में है ।

दवाइयों के बारे में मैं संसद में पहले भी बता चुका हूँ । जिस तरह से ट्रिप्स के बाहर दवाइयों की कीमतें बेतहाशा बढ़ती जा रही है, कहा जाता है कि 80 से 85 प्रतिशत दवाइयां ट्रिप्स से बाहर रहेंगी । अधिकांश दवाइयां जो विदेशों में बनी है वह कहीं न कहीं, किसी न किसी पेटेंट के अंतर्गत शामिल है । बहुत कम दवाइयां ऐसी है जो पेटेंट से बाहर है । जो नए ढंग की रिजीम आ रही है उसमें एक डोज को पेटेंट करके, फिर डोजेज का परिवर्तन करके उस को आप दुबारा पेटेंट करा सकते है । आप जानते है कि नए डोज के बजाय किसी डॉक्टर ने अगर पुरानी डोज वाली दवा दी तो कोई उसे नहीं लेगा । इसलिए यह कहना कि पुरानी दवाइयां उपलब्ध है, उससे काम

चला सकते हैं, तो आप ऐसा कह कर किसको धोखा देना चाहते हैं ? जो नई दवाइयां होंगी, जिन पर मेडिकल जर्नल की रिपोर्ट होगी उन्हीं को उपयोग में लिया जाएगा । आप कहते क्यों नहीं है कि हमने इस पर घबरा कर दस्तखत किए, हमने हड़बड़ाकर, नासमझी से जल्दबाजी में दस्तखत कर दिए । लेकिन अगर आप यह कहें कि हमने अक्लमंदी से इस पर दस्तखत किए हैं और यह देश के हित में है तो यह मैं नहीं मानता हूँ । अभी तो आपको बहुत-सी चीजों पर हस्ताक्षर करने हैं । क्या आप इस सदन को आश्वासन देंगे कि इस संधि से हम वापस आ जाएंगे, जो कुछ आपने हस्ताक्षर किए हैं उससे तो आप किसी को यह नहीं समझा सकते है कि यह देश के हित में है । क्या आप यह स्वीकार करने के लिए तैयार है कि यह देश के हित में नहीं है ? मैं आप से प्रश्न करना चाहता हूँ । बार-बार यह कहा जाता है कि हमें सदन के सामने आने की जरूरत नहीं है । आप क्यों घबराते हैं सदन में आने से ? क्या देश का सर्वनाश करने की इजाजत आपको जनता ने दी थी ? क्या भारत के संविधान को नष्ट करने की इजाजत सदन ने और देश की जनता ने आपको दी थी ? यह ठीक है कि आपके पास खरीदा हुआ बहुमत है, आपने जनरल ऐग्रीमेंट आन ट्रेड एंड टैरिफ को संसदीय परंपरा में लाकर यहां ट्रेड की परंपरा शुरू कर दी है, वह अलग बात हो सकती है। आपने बाई-ट्रेड मेज्योरिटी प्राप्त की है । परमात्मा के वास्ते इस देश का सर्वनाश मत कीजिए । मानवता को सर्वनाश के गर्त में मत धकेलिये । इस देश के सांस्कृतिक मूल्यों को नष्ट मत कीजिए । आप विदेशी व्यापार को सारी उन्मुक्तता से इस देश में लाना चाहते हैं, आप उपभोक्तावाद की संस्कृति को इस देश में लाना चाहते हैं, भारत जिन जीवन मूल्यों के लिए खड़ा था उनको नष्ट करना चाहते हैं । भारत की जो आध्यात्मिक और सांस्कृतिक परम्पराएं हैं, उन पर आप आघात करना चाहते हैं । आप कौन-सा विश्व चाहते हैं ? आप क्या स्वीडन का जीवन मूल्य चाहते हैं, आप क्या अमेरिकन जीवन मूल्य चाहते हैं, जहां 23 परसेंट परिवार सिंगल परिवार है उसमें या माता है या पिता है क्योंकि दोनों इकट्ठे नहीं रहते । क्या भारत में परिवार संस्था को नष्ट करना चाहते हैं ? क्या आप भारत के लोगों का सादा जीवन और उच्च विचार की परम्परा को नष्ट करना चाहते हैं ? क्या आपके समाज में व्यक्तियों में जो सामाजिक पारिवारिक भावना है उसको समाप्त करके इंडिविजुअल और स्टेट वाली व्यवस्था करना चाहते हैं ? पश्चिम की जो व्यवस्था स्वयं जर्जर हो रही है, जो स्वयं एक नये दर्शन की तलाश में घूम रहे हैं, क्या आप इस सड़ी गली व्यवस्था को लाना चाहते हैं ? क्या करना चाहते हैं ? आप इस भारत को भगवान के वास्ते भारत रहने दीजिए । या तो आप इस देश के हित में इस देश की राष्ट्रीय मानसिकता और इस देश की परम्पराओं के अनुसार काम कीजिए वरना वह दिन दूर नहीं, मैं आपसे कहना चाहता हूँ वाणिज्य मंत्री जी कि जब इस देश में एक ऐसी चेतना उत्पन्न हो रही है, इस देश के अंदर ऐसी क्रांति मैं देख रहा हूँ, इस देश के लोगों के अंदर मैं एक मानसिक रोष देख रहा हूँ कि लोग इस सदन में सत्ताधारी स्थान पर बैठे हुए लोगों को किसी और स्थान पर बैठाना पसन्द कर सकते हैं ।

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Kindly conclude. You have taken more than 15 minutes.

डॉ० मुरली मनोहर जोशी : यह परिस्थिति आ रही है । मैं उससे सावधान करना चाहता हूँ । इस देश के लिए, इस देश की परम्परा के लिए, इस देश की महान संस्कृति के लिए, इस देश के महान भविष्य के लिए आप इस देश को बंधक मत बनाइये । यह एक स्वाभिमानी देश है, स्वाधीन देश है । हजारों, हजार साल से यह देश रहा है ।

कुछ बात है कि हस्ती मिटती नहीं हमारी,
सदियों रहा है दुश्मन दौरे जहां हमारा ।

इसके बावजूद हम टिके रहे । दुनिया के तमाम आक्रमण हमें नष्ट नहीं कर पाये । इसलिए आपके के इस गट संधि पर हस्ताक्षर करने की यह दुरभि संधि हमें नष्ट नहीं कर सकेगी, हमारी लड़ाई लम्बी जरूर कर देगी । हम लड़ेंगे ।

हम एक नये विश्व के निर्माण के लिए लड़ेंगे । हम ऐसी शोषणकारी व्यवस्थाओं का विरोध करते हैं । हम विश्व को बाजार नहीं बनाना चाहते । हम इस विश्व को उत्पादक और बाजार के रूप में दो खंडों में बांटना नहीं चाहते । भारत विश्व को परिवार बनाना चाहता है । संसद के तोरण द्वार पर— 'वसुधैव कुटुम्बकम' का घोष वाक्य लिखा हुआ है, हम इसका पालन करना चाहते हैं । 'वसुधैव कुटुम्बकम' के आधार पर एक नई शोषणविहीन अन्तर्राष्ट्रीय व्यवस्था का निर्माण करना चाहते हैं । हम समता से पूर्ण विश्व का निर्माण करना चाहते हैं । आप गैर-बराबरी के विश्व की तरफ भारत को धकेल रहे हैं । भारत हमेशा समता का पक्षपाती रहा है । ममता का पक्षपाती रहा है । भारत में सामाजिक न्याय का मतलब यह है हम विश्व के सामाजिक न्याय के लिए लड़ रहे हैं । यह गैट की लड़ाई केवल भारतीय किसान की लड़ाई नहीं है । यह विश्व के किसान की लड़ाई है । मैं आपसे कहना चाहता हूँ मैं भारत

उसी दिन तक स्वाधीन है, जिस दिन तक भारत का किसान स्वाधीन है । आप बराय मेहरबानी उसे मजदूर बनाने की चेष्टा मत कीजिए । गैट की नीति के पश्चात् भारत का छोटा किसान पहले अपनी जमीन से बेदखल हो जायेगा, उस जमीन को बेच कर उसे बाहर आना पड़ेगा । धीरे-धीरे वह किसान के बदले मजदूर बन जायेगा । आप भारत के लोगों को गुलामी के रास्ते पर मत डालिये, भारत को स्वाधीन रहने दीजिए । भारत को स्वाभिमानी रहने दीजिए । भारत को दुनिया की निगाह में आंखें ऊंची उठाकर, गरदन उंची उठाकर हिम्मत से चलने दीजिए । भारत को विदेशी मल्टीनेशनल कमीशन एजेंट मत बनाइये क्योंकि यह गैट की व्यवस्था भारत के सामान्य नागरिकों, विश्व के पीड़ित और दुखी, शोषित मनुष्यता के प्रति आघात है । मैं इसका तीव्र विरोध करता हूँ और ऐसी मांग करता हूँ कि आप इस संधि पर हस्ताक्षर न करें और जो किये हैं, उसको वापस लें ।

SHRI JAGESH DESAI (Maharashtra) : Mr. Vice-Chairman, Sir, I have heard Dr. Murli Manohar Joshi very, very patiently. I was going to Baroda on the 6th of this month, and there was one MLA from Gujarat with me in my compartment. He had come to Delhi for taking part in the rally. He asked me, "What is the Dunkel proposal and what is GATT 7" The MLA who asked me this is an MLA of the BJP. I explained to him the aspects of GATT, how the country would benefit by it and which were the minus points. Then he said. "Is it so? Then why were we opposing it?" [told him, "After Ayodhya you have no other weapon. Now you want to fight with this disinformation by telling the farmers that they will not be able to use their seeds and they will not be able to exchange them". I talked to him about it. Mr. Murli Manohar Joshi, he is a Member of your party. He is an MLA from Kumbha. He asked, "If it is so, why are we fighting about it?" I said, "Politically you want to fool the people, but you will not be able to fool all the people all the time because the people will understand the advantages of this Agreement".

Sir, I would like to say one thing that patriotism is not the monopoly of some parties who only talk that the Congress Party is mortgaging our country. We have fought for the independence of our .country. We are the sons and children of the freedom movement. At that time they were not with the movement. They were having some kind of an understanding with the British. But we are the people who fought against the British, and we shall always fight for the rights of the common man.

As far as the GATT Agreement is concerned, there are some aspects on which deliberately misinformation has been spread throughout the country that our economic sovereignty would be endangered, that our agricultural and food security would be eroded, that our farmers would have to buy seeds every year from multinationals, that our public distribution system would be adversely affected and that the drug prices would shoot up. Like that misinformation of all kinds has been placed before the people. I would like to mention some aspects of our farmers. As far as subsidies given to farmers are concerned, there are two types. One is the non-product specific subsidy, and the other is the product specific subsidy. We are giving subsidy for fertilizers, electricity, seeds, water etc. This subsidy is not given direct to the farmers, but it is given in the shape of some reduction in the tariffs.

Secondly, we also give subsidy for the farms. For that purpose, we have to calculate the total production for the years 1986-87, 1987-88 and 1988-89. The average of three years has to be taken. On that 10 per cent subsidy can be given. The position is like this.

As far as the non-product specific subsidy is concerned, yes, it is plus Rs. 4,582 crores. As far as the product specific subsidy is concerned, it is minus Rs. 24,442 crores. That means—I am talking of the years 1987-88, 1988-89 and 1989-90—the total minus subsidy which we are giving is about Rs. 19,000 crores. That is on our own domestic price. If the international prices are taken, at that time the exchange rate for one doller was Rs. 15. Now it is Rs. 30. As such, the shortfall will be Rs. 38,000 crores for 1993-94 it the base year is 1989-90.

Secondly, our agricultural production for 1993-94 will be about Rs. 2,15,000 crores. On that a. subsidy of Rs. 21,000

crores can be given. As it is minus, I think that we shall be able to give a further subsidy of Rs. 40,000 to the farmers. As such, our farmers are not to be affected. Our farmers will get the subsidy. The extent to which the subsidy can be provided, depends on the Government. To say that because of the GAAT Agreement this subsidy is to be reduced, is a false propaganda. As such, I denounce the Opposition parties for giving this kind of wrong impression to the farmers.

As far as the public distribution system is concerned, it is not a direct subsidy to the farmers. As such, our public distribution system will not be affected. We

(The Deputy Chairman in the Chair)

shall be able to run our public distribution system so that those who are poor will get the benefit and they will not have to pay very high prices because of rising food prices. As such, to say that our public distribution system will be jeopardised is not true. This is the kind of propaganda that has been carried on. The time has come for the Government and the media to say that this is all false and this propaganda is being spread only for political purposes.

As far as farm subsidies are concerned, our farm products will be very much affected. There they have to give subsidies because they are overpaying it. If the subsidy is reduced there, the cost of production of their foodgrains will be higher. As such we shall be able to compete.

As far as export of foodgrains is concerned our farm products will be very much cheaper because we are not reducing the subsidy and also because our labour is cheaper. Just now Dr. Murli Manohar Joshi has asked where we shall be able to export. I may tell him that Japan has to import 3 per cent of its products every year and rice is their staple food. I suppose we shall be able to export Rs. 3,000 erores' worth of rice to Japan. We have got the market. Those who are saying we have no market are not correct.

As regards the point that we have to import. 3 per cent of our production of farm product of our country, I would say that we have not this problem becauso we have a tight balance of payments position particularly because we have to make interest' and instalment payments to the World Bank and the IMF. That is a very heavy burden. So, as far as our balance of payments position is concerned, it is not just what foreign exchange we have got. But out of that we have also to make every year interest instalment payments. So, for 10 to 15 years we will have this kind of burden. After that we shall not have to import foodgrains from other countries and we shall get our share. There is a 100 per cent duty on foodgrains, 150 per cent on processed food and 200 per cent duly on oilseeds. As such it will be so costly that they will not be able to export to our country. AS such this kind of fear which has been generated in the mind of our people has to be removed.

As far as seeds are concerned, the farmers can utilise the seeds. They can also exchange the seeds and all the seeds which will be evolved b,y our researchers can be given to fanners. It is not necessary that we have to purchase from the multinationals. It is a propaganda that is being spread. We have no dearth of talent in our country. We should rather spend a huge amount on the research and on development of seeds.

Similarly, so far as drugs are concerned, yet to some extent we have to face difficulties, but it will apply only after ten years. Within the course of these ten years we should spend enough money on research and on development of drugs. I thought the Opposition Members will come forward with their suggestions on these two areas as to how we can reduce our difficulties and maximise our gains. But they have not done so.

Madam, we are the second largest country in term of scientists. Instead of sending them to foreign countries or keeping them there, W us give them encouragement here and bring them back. We should give them facilities for research work. I am sure within the course of the next ten years they would be able to invent some other patents that would be useful for the country and with that we would be able to earn foreign exchange.

DR. BIPLAB DASGUPTA : You are day-dreaming.

THE DEPUTY CHAIRMAN : It is not day, it is evening.

SHRI JAGESH DESAI : If you cannot understand, I cannot help it.

So far as foreign investment is concerned, it has been wrongly presented the Government has kept its doors open for multinationals and whoever wants to come to our country, he can come and invest. The Government can choose anybody it likes. There was a false propaganda about this. The Government can also decide as to how much equity they should contribute. The Government can also decide about their export obligations. It is not correct to say that we cannot have that condition. But once we allow them to compete with our own industries, we cannot discriminate against them. We should apply the same rule to them as we apply to our Indian industries. But before calling them, we should think ten times in which industry they should invest and in which industry they should not invest.

DR. BIPLAB DASGUPTA : Under the GATT, you cannot discriminate against them.

SHRI JAGESH DESAI : No. The Government can decide whom to invite for investment and whom not to invite for investment. You please read the draff ten times. I have gone through it. You are a newcomer. It is for the Goverr ment to decide whom to call and whon. not to call. Once we call them to invest we cannot make any discrimination.

We have some problems in the power sector. Today, many of our industries are working only to the extent of 60 per cent capacity. If you want them to compete, give them power so that the cost of production comes down. In the power sector, from whatever source the Government is getting investment, whether it is from multinationals or private sector or public sector, we must accept it for power generation. I am sure that the Government will see to it that when they invite foreign investment, it should be in the field of power, petroleum and communication. By that we should be able to reduce our expenses in the manufacture of our industrial goods. Naturally the prices will come down. That is how we shall be able to complete. We shall be able to export more.

So far as textiles are concerned, the USA wanted our quota regime to be ended after 15 years. We have made efforts and said, "No, we shall not agree." After ten years, the quota regime will go away. We shall be able to export more. textiles to other countries. We will be able to earn more foreign exchange.

So far as Intellectual Property Rights are concerned, there is some misconception. Not only patents are covered under TRIPS but there are seven other areas also covered. They are Copyrights, Playwrights, Trade Marks, Geographical Indications, Industrial Designs, Integrated Circuits and Trade Secrets. Out of seven areas, we are already covering six areas in our country. As regards, patents, chemicals, pharmaceuticals and food stuffs. .

DR. BIPLAB DASGUPTA: Your Congress will also be patented because they have a Congress in United States!

SHRI JAGESH DESAI: I do not want to use harsh words. You know that our scientists are the best in the world. Why don't you think that they will invent some medicine? Why don't you think on that line? We have the second largest reserve of scientific talent in the world. You should be proud of that. If you are not proud of that, then, I am sorry. I am an Indian; and I want to encourage them. Out of several areas, only in three areas it has gone from process to product.

It is there that for some time, we may have some difficulty. As I told you, we have to spend money on research and development. I think we can meet this challenge. They say that we have sold the country, the country will be looted and the people will become poorer. I do not think that this is going to be the result of GATT. On the contrary, we shall be able to export more. Without export, how are you going to get petroleum? How are you going to import other items at times of difficulty? GATT will definitely help our country to accelerate our exports and that will help our country to come

out of the difficulties we are having now. After five or ten years, I .think this country will be one of the most powerful country economically. Secondly, it is like a basket. Different fruits are there. Some are good and some are bad. You have to either take the basket or reject it, with all the fruits. If you reject it, then you have to have bilateral agreements. What will happen if you have bilateral agreements with grants like the USA and European countries? They will sequeeze you. Here, rules will be there. There because of their financial muscle power, they will dectate terms to you. Are you going to succumb to those kinds of pressure? *(Interruptions).* You have to see it as a whole. Is it beneficial to the country? I am convinced. Earlier I had my reservations. Several times I have said it in this House also. But when I went deep into it, I found that it was very beneficial to our country. I compliment the Commerce Minister for taking the correct step. But we have to see the other aspects which are going to be discussed, for example, labour. There, we have to be very, very careful. I am sure that all the non-aligned countries and the developing countries will never succumb to the pressures of the developed countries as regards labour. That is a great weapon in our hand. We have got cheap labour. If there also they dictate, I think the gains which you are getting at present will vanish. So, we have to be careful on that. It should never be accepted. If required, we should even get out of GATT, we should never accept it. I am sure the Government is keeping the interest of the common man in mind. For so many years, the Congress party had been in power. It has always tried to take action which would benefit the poorer sections of people. But those who want to have some political gains try to hoodwink the people. As I told you earlier, you can fool some people for some time, but not all the people all the time. I am sure you will appreciate it after two or three years. You will say that this is in the best interest of the country. The Government will be given that kind of certificate, if you are honest. If you are dishonest, if you are politically motivated, I cannot help it. But I am sure this will help the country. I compliment both the Commerce Minister and the Prime Minister for taking this bold step.

As regards succumbing to the pressures of other powers, look at the speech of the Prime Minister at Davos. What has he said? He has said, "I have no right to throw away the people who have got jobs. I will never do it. From 5,000 kilometres away, if you want to dictate the policy of the country, we are not going to accept it." We will only accept those projects which are in the interest of our country. As I have seen, 92 per cent of the projects are for infrastructure industries. May be five to six per cent are for consumer goods. We have to see the overall picture. As" regards foreign investments, I am sure the country, with in a cours of five year's, will become one of the most powerful economic empires in the world .....

Those days are not far away. Please give us concrete suggestions. Don't criticise for the sake of criticism. But nobody is there to give any kind of suggestions. I am sure that this debate will help us in giving some concrete suggestions to the Government and the Government also will see to it that the fruits of the GATT agreement are fully utilised and would if there are any minus points, try to minimise them by taking suitable action. With these words, I support the statement

THE DEPUTY CHAIRMAN : Hon. Members, it is 5.10 PM now and I have a number of names and the Members ore also sitting here. We have taken a decision that from day after tomorrow, we would be sitting beyond 6 O'clock of till the time the Members want. I feel we have to finish this and we have a Minister over here who wants to make a statement. I take the sense of the House. The Minister of Commerce told me that on Thursday, that is, day after tomorrow, they would discuss the matter in, Lok Sabha also. Now, if we can finish this matter during the forenoon, then the Minister can reply here. He can make a statement in Lok Sabha and then come here and listen to your comments and reply and then go to Lok

Sabha'to- listen to their debate and reply over there.

SHRI SANGH PRIYA GAUTAM : In that case, we will have to dispense with the lunch hour.

THE DEPUTY CHAIRMAN : We can dispense with the lunch hour. We have been doing for quite some time. But today also, I think the Commerce Minister did not have lunch and so did I.

SHRI PRANAB MUKHERJEE: Madam, if you allow me, I would like to make one suggestion. We have two options. Either we can skip the lunch day after tomorrow and finish this business so that I can attend Lok Sabha after giving reply or we can sit a little longer today and the Hon. Members can have lunch day after tomorrow I am at the disposal of the House.

DR. BIPLAB DASGUPTA : Madam, it would be too difficult because quite a number of Members thought that it would be closed by 5 O'clock. So, it would be difficult to continue with it now. But, to make it more meaningful, the Zero Hour could be curtailed.

THE DEPUTY CHAIRMAN : There is no Zero Hour to me.

DR. BIPLAB DASGUPTA : But the convent on is there. May be, from 12.00 to 12.30, you can allow some Members to raise some issues and thereafter, we will take it up. skip the lunch hour and finish it.

THE DEPUTY CHAIRMAN : Agreed. But then, everybody will have to be brief so that we can finish it. We want to have a meaningful discussion and not a prolonged discussion which put people to sleep. We have agreed to this decision that we will have a good discussion day after tomorrow on this issue and the Minister will reply.

SHRI SANGH PRIYA GAUTAM : As good as we had today ?

THE DEPUTY CHAIRMAN : That, of course, kept me very much awake. Now. we have a statement by the Minister of Steel. Mr. Minister, would you like to read it out ?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL (SHRI SON-TOSH MOHAN DEV) : Yes, Madam.

THE DEPUTY CHAIRMAN : You can read it out and the clarifications can be asked later on. There is some technical difficulty and he has to make it oday. Mr. Minister, I think, you have aade it in the other House.

SHRI SONTOSH MOHAN DEV: No, Madam. In the other House, it was not for today. Unless I do it, the notification cannot be made.

THE DEPUTY CHAIRMAN : Since Rajya Sabha is sitting, he has to make it. It is obligatory on his part.

SHRI SONTOSH MOHAN DEV: It is a policy matter and I cannot declare it outside. The instructions are that when policy decisions are taken, the House should be taken into confidence.

THE DEPUTY CHAIRMAN : It will take only five minutes and the clarifications can be asked later on.

Statement by Minister

Discontinuation of Steel Development Fund Levy

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV) : Madam, The Steel Development Fund (SDF) was created in 1978 for ensuring a minimum and sustained flow of funds for financing programmes for the modernisation and development of the steel industry. For this purpose, it was decided to levy a development surcharge on specified products of the main steel producers, namely Steel Authority of India Limited (SAIL), Indian Iron and Steel Company (IISCO) and Tata Iron and Steel Company Limited (TISCO), and (subsequently) Rashtriya Ispat Nigam Limited (Visakhapatnam Steel Plant).

The rate of levy was initially Rs. 100 per tonne and subsequently revised from time to time. The rates after the last